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SUPREME COURT OF THE UNITED STATES.

No. 157.

THE UNITED STATES, APPELLANT,

vs.

CAROLINE S. BELL.

APPEAL FROM THE DISTRICT COURT U. STATES FOR THE DISTRICT OF LOUISIANA.

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UNITED STATES DISTRICT COURT,
For the district of Louisiana:

Be it remembered, that on the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty-four, Caroline S. Butler, (widow Bell,) came by her solicitor, Samuel A. Plummer, esq., into the district court of the United States, for the (then) eastern district of the State of Louisiana, and filed the following petition, to wit:

To the honorable Theodore H. McCaleb, judge of the district court of the United States of America, in and for the eastern district of Louisiana.

The petition of Caroline S. Butler, of Nashville, Tennessee, widow, sole executrix and universal legatee of Robert Bell, late of the parish of St. James, and State of Louisiana, deceased, respectfully represents, that she is the owner and possessor of two petitions and orders of surveys originating from the Spanish Government, to wit, that on the 18th October, 1787, Santiago de la Roxa, then a resident of the province of Louisiana, petitioned the Spanish Governor General Miro, for forty arpens front on bayou Grosse Tete, one league below the junction of bayou Marengonan, with forty arpens depth, which petition was granted 21st October, 1787, by the said Governor General Miro; that on the 8th February, 1789, Joseph Alvarez, then a resident of the province of Louisiana, petitioned the Spanish governor general of Louisiana, Miro, for forty arpens front on Grosse Tete, by forty in depth, adjoining La Roxa's, which petition was granted by said Governor General Miro, on the 15th February, 1789; and for further and more accurate information, the said petitions and orders of surveys will be produced on the trial.

Your petitioner avers, that the said petitions and orders of survey were valid under the Spanish Government, according to the laws and customs of said government, and which might and would have been perfected into complete titles under and in conformity to the laws and usages under which the same originated, had not the sovereignty of the country been transferred to the United States; that they were protected under the treaty of cession of Louisiana, between the United States and France, by the laws of nations, and by the acts of Congress, and are valid agreeably to the same.

Your petitioner avers, that after the said petitions and orders of surveys had been presented to the register and receiver of the southeastern district of Louisiana, that they, on the 14th December, 1836, recommended the same for confirmation to Congress, a certified copy of which will be presented upon trial; and your petitioner avers, that Congress has never acted upon said report. She avers, that the lands called for by said orders of survey have been sold and disposed of by the United States Government, which will be shown upon the trial.

Wherefore, your petitioner prays that the United States Government be made a party defendant, and be duly cited to answer this petition; and that, after all due proceedings had, the validity of said claim be recognised and confirmed according to law and equity, and as alleged in the premises, and that petitioner have leave to take lands that have been offered, and subject to private entry according to the provisions of "An act of Congress for the adjustment of land claims within the States of Missouri, Arkansas, Louisiana, &c., approved 17th June, 1844," and the act thereby revived; and, further, that the court will extend all the equity and general relief that the nature of the case may require.

Your petitioner further avers, that the said orders of survey and the land called for by the same, were by their respective owners sold to Robert Bell in his lifetime, on the 25th April, 1825, by private act of sale, duly recorded, which will be produced on day of trial; that the said original parties had at the time they sold said land possession of the same, which they had continued, from the time of the date of the said orders, to inhabit and cultivate the same, and that the said Robert Bell had possession of the same until he was compelled to move from the overflow of the Mississippi river of 1828.

Your petitioner avers, that the said Robert Bell has since died, and has left your petitioner his sole heir and executrix by his last will and testament, which has been duly admitted to probate in the parish of St. James, and letters testamentary has been issued in her favor.

Signed, SAMUEL A. PLUMMER,
Attorney for plaintiff.

And on the nineteenth day of November, A. D. 1844, the following citation was issued from the clerk's office, to wit:

United States district court, sitting in and for the eastern district of Louisiana.

To the marshal for the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded to summon Balie Peyton, esq., U. States district attorney for the eastern district of Louisiana, to appear before the honorable judge of this court, at a district court to be holden on the first Monday of January next, then and there to answer a petition in chancery filed in this court, wherein Caroline S. Butler, widow and executrix of Robert Bell, deceased, is plaintiff, and the United States are defendants; a copy of which accompanies this citation.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 19th day of November, A. D. 1844.

[SEAL.] (Signed) N. R. JENNINGS, *Clerk.*

Mem. The defendant is to enter his appearance in the above enti-

tled cause, in the clerk's office, on or before the first Monday of January, 1845, otherwise the petition may be taken *pro confesso*.

Marshal's return on the above citation.

Received December 5th, 1844, and on the same day I served a copy of the within citation, together with a certified copy of plaintiff's petition, on B. Peyton, esqr., U. S. district attorney for the eastern district of Louisiana, in person, at New Orleans.

For A. S. ROBERTSON, *U. S. Marshal.*
(Signed) J. P. WALDEN, *Dept. U. S. Marshal.*

And on the 16th day of December, 1844, the following answer was filed to the petition:

District court of the United States, for the eastern district of Louisiana.

CAROLINE S. BELL
vs.
THE UNITED STATES.

The United States, by their attorney, Balie Peyton, for answer to the plaintiff's petition in the above entitled suit, deny all and singular the allegations therein contained, and require strict and full proof thereof, and pray to be hence dismissed, with costs, and for general relief.

(Signed) BALIE PEYTON,
U. S. attorney, E. D. Louisiana.

And on the 5th day of May, 1845, the following entry was made on the minutes:

MONDAY, *May 5th*, 1845.

CAROLINE S. BELL
vs.
THE UNITED STATES. } No. 2.

The parties not being present, either plaintiffs or defendants, this cause was continued.

And on the 7th day of July, 1845, the following entry was made on the minutes, to wit:

July 7th, 1845.

CAROLINE S. BELL
vs.
THE UNITED STATES. } No. 2.

The counsel for the plaintiffs in this cause not being present, it was ordered by the court that it be continued until the first Monday in November next.

And on the 8th day of August, A. D. 1845, the following amended answer was filed:

CAROLINE H. BUTLER
vs.
THE UNITED STATES OF AMERICA.

To the honorable the district court of the United States for the district of Louisiana.

The amended answer of defendants in the above entitled cause prays that the plaintiff be ordered to exhibit and file in court the documents enumerated in said petition, upon which said plaintiff's title to the land sued for is alleged to rest, to wit:

The petition of Santiago de La Rosa to Governor Miro, dated 18th October, 1787, and the alleged grant by said Miro to said Rosa, dated 21st October, 1787.

The petition of Joseph Alvarez to Governor Miro, dated 8th February, 1789, and the alleged grant by said Miro to said Alvarez, dated 15th February, 1789.

The order of survey of both said grants, and the survey thereof.

The act of sale to Robert Bell.

(Signed) E. WARREN MOISE,
For S. W. DOWNS, *U. S. attorney*,
Dist. of La.

Marshal's return on a copy of the above amended answer.

Received 15th August, 1845, and on the 1st day of September, 1845, I served a copy of the within amended answer on S. A. Plummer, esqr., in person, at New Orleans.

For WM. F. WAGNER, *Marshal*.
(Signed) J. P. WALDEN, *Deputy U. S. Marshal*.

And on the 2d day of February, 1846, the following entry was made on the minutes:

MONDAY, *February* 2, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL
vs.
THE UNITED STATES. } No. 2.

Fixed by U. S. district attorney for February, 16th instant.

And on the 2d day of March, 1846, the following entry was made on the minutes:

MONDAY, *March 2d*, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL
vs.
THE UNITED STATES. } No. 2.

Fixed by counsel for petitioner for the 16th instant.

And on the 16th day of March, 1846, the following entry was made on the minutes:

MONDAY, *March* 16*th*, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL
vs. } No. 2.
THE UNITED STATES.

This cause was called for trial, and on motion of E. Stevens, representing S. A. Plummer, counsel for petitioner, it is ordered that the same be continued till the first Monday of April next, in order that the land in question may be surveyed.

And on the 6th day of April, 1846, the following entry was made on the minutes:

MONDAY, *April* 6*th*, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL
vs. } No. 2.
THE UNITED STATES.

Fixed by consent of S. A. Plummer, and of the United States attorney, for April 17th, 1846.

And on the seventeenth day of April, 1846, the following entry was made on the minutes:

FRIDAY, *April* 17*th*, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL
vs. } 2.
THE UNITED STATES.

This cause being called for trial, it is ordered, on motion of S. A. Plummer, counsel for the petitioner, that the same be continued until Friday, April 24th, 1846.

And on the 24th day of April, 1846, the following entry was made on the minutes:

FRIDAY, *April* 24*th*, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL
vs. } 2.
THE UNITED STATES.

This cause being called for trial, it is ordered, on motion of the United States attorney, that the same be continued.

And on the 1st day of June, 1846, the following entry was made on the minutes, viz:

MONDAY, *June 1st*, 1846.

Present: The Hon. T. H. McCaleb.

CAROLINE S. BELL vs. THE UNITED STATES. } 2.

Fixed by consent of the respective counsel for the 16th inst.

And on the 16th day of June, 1846, on the trial of the cause, was admitted in evidence a document, which is marked "No. 2," and is in the words and figures following:

Señor Gobernador è Yntend'te G'ral.

Santiago de la Rosa, sargento licenciado del regimiento de la Luisiana, con la mayor veneracion y respeto, a V. S. expone: que habiendo heredado de su difunto tio Alberto de la Rosa la suma de mil y ocho cientos pesos, que ha empleado en quatro esclabos que ha comprado con el intento de cultivar la tierra, unico talento que posee el exponente; en cuya virtud, sup'ca rendidamente a V. S. se sirva concederle una porcion de tierra q'e se halla situada sobre el Bayou Grosse Tete, a como una legua de su juncion con el Bayou Marengouan, de quarenta arpanes de frente sobre quarenta de fondo, lindando de ambos lados con tierras del dominio de S. M., gracia que espera el suplicante recivir de la benevolencia de V. S.

Nueva Orleans, a 18 de Octubre, 1787.

SANTIAGO DE LA ROSA.

NUEVA ORLEANS, *y Octubre* 21, *de* 1787.

El agrimensor g'ral de esta provincia, D'n Carlos Laveau Trudeau, establecerá este parte sobre los quarenta arpanes de tierra que solicita en el parage que expresa estando vacante, y no causando perjuicio alguno á los circunvecinos, y extenderá a continuacion las diligencias de apeo, y fecho se me remisirá para proveer al interesado del titulo en forma.

MIRO.

And on the trial of the cause, was admitted in evidence a translation of the foregoing document, "No. 2," which translation is in the words and figures following, to wit:

To his Excellency the Governor and Intendant General.

Santiago de la Rosa, a disbanded sergeant of the regiment of Louisiana, most respectfully represents to your excellency, that, having inherited of his late uncle, Alberto de la Rosa the sum of eighteen hundred dollars, he has invested the amount in the purchase of four slaves, with a view of cultivating the soil, the only talent which your deponent possesses. Wherefore he humbly solicits from your excellency the grant of a tract of land situated on the Bayou Grosse Tete, at about a league from its junction with the Bayou Marengouan, of forty arpents front by forty in depth, adjoining on both sides to the lands of the domains of his majesty, which favor the petitioner hopes to obtain from the well known liberality of your excellency.

New Orleans, 18 *Octobre*, 1787.

SANTIAGO DE LA ROSA.

NEW ORLEANS, 21 *October*, 1787.

The surveyor general of this province, Don Carlos Laveau Trudeau, will locate this petitioner on the forty arpents of land which he solicits, and in the place designated, if they are vacant, and can cause no prejudice to the adjacent neighbors; and said surveyor general will make out the proceedings of survey, and hand them to me, in order that the petitioner may be provided with a title in form. MIRO.

And on the trial of the cause, June 16th, 1846, the following document in the Spanish language, marked "Doc. N. 30," was admitted in evidence, to wit:

Señor Gobernador e Intendente G'ral.

Joseph Alvarez, sargente 1o. retirado del regimiento de la Louisiana, con el respeto devido, a V. S. expone, que deseando establecerse, con su familia, sobre el Bayou Grosse Tete, solicita de la bondad de V. S. se sirva concederle quarenta arpanes de tierra de frente al dicho bayou, sobre quarenta de fondo, lindando de un lado con tierra concedida a Santiago de la Rosa, y del otro con las del dominio de S. M. Es., gracia que el suplicante espera recivir de V. S.

Nueva Orleans, 8 de Febrero, de 1789.

JOSEPH ALVAREZ.

NUEVA ORLEANS, 15 *de Febrero, de* 1789.

El agrimensor g'ral de esta provincia establecera á este parte sobre los quarenta arpanes de tierra de frente, con la profundidad de quarenta q'e solicita, siendo vacantes, y no causando perjuicio alguno a los circunvecinos, y extenderá á continuacion las dilig'as de apeo, que me remiserá para proveer al interesado del titulo en forma. MIRO.

Translation of the foregoing "Doc. No. 3," by Edward Lauve, the translator for the court, also admitted in evidence on the trial of the cause, June 16th, 1846.

To his excellency the governor and intendent general.

Joseph Alvarez, ex-1st sergeant of the regiment of Louisiana, with due respect, represents to your excellency, that, being desirous of establishing himself and family on the bayou Grosse Tete, he solicits of the liberality of your excellency a grant of forty arpents of land fronting on said bayou, by a depth of forty arpents, adjoining on one side to the land granted to Santiago de la Rosa, and on the other to those of the domains of his majesty; which favor this petitioner hopes to obtain from your excellency.

NEW ORLEANS, *February* 8, 1789.

JOSEPH ALVAREZ.

NEW ORLEANS, *February* 15, 1789.

The surveyor general of this province will locate this petitioner on the forty arpents front, and the depth of forty, which he solicits, if they are vacant, and can cause no prejudice to the adjacent neighbors; and said

surveyor general will then make out the proceedings of survey, and remit them to me, in order to furnish the petitioner with a title in form.

MIRO.

And on the trial of the cause, June 16th, 1846, was admitted in evidence a document marked "Doc. No. 4," which is in the words and figures, following, to wit:

No. 10.—*Notice of claim of Robert Bell.*

To the register and receiver of the land office for the southeastern district of Louisiana.

The notice of the claim of Robert Bell, of the parish of Iberville, respectfully shows: That he is the owner, by purchase, of two certain contiguous tracts of land, situate and lying on the west bank of the bayou Grosse Tete, in the said parish of Iberville, and containing each forty arpents front on said bayou, by the ordinary depth of forty arpents, being in all thirty-two hundred superficial arpents.

The said tracts are held by purchase immediately from Santiago de la Rosa and Joseph Alvarez, who received regular orders of survey for the same, respectively, from the Spanish government, to wit, the former on the 21st day of October, 1787, and the latter on the fifteenth day of February, 1789, which said orders are herewith presented, together with evidence of habitation and cultivation of the said land by said grantees, on the 20th December, 1803, and for several years prior; all which duly considered, said claimant prays that the said accompanying evidence of his claim may be duly admitted to record, pursuant to the provisions of the act of Congress now in force touching the final adjustment of land claims in this district; and that he may receive a favorable report, &c.

(Signed,) ROBERT BELL.

NEW ORLEANS, *April 20th*, 1836.

Document No. 4.

Personally appeared before me, Michal Perault, one of the justices of the peace in and for the parish of St. Landry, the following witness, Daniel McCloud, and after being duly sworn, deposeth and says, that about the year 1797 or '98, the deponent went, in company with a Spaniard by the name of Gobo, and another man, who was an American, his name the deponent does not now recollect, to view the land on bayou Grosse-tete; they found several people settled and living there; amongst them was two Spaniards; that he recollects well one of them by the name of Joseph Alvarez, and the other by the name of Santiago de Laxoga; they were settled and cultivating small places on the bayou Grosse-tete, a few miles below the bayou Maringuin; and, as well as he recollects, about two miles apart.

This deponent further saith not.

Signed, DANIEL McCLOUD.

Sworn and subscribed to before me, this 28th of September, 1835.

Signed, M. PERAULT,

One of the justices of the peace in and for the parish of St. Landry.

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Document No. 5.

Personally appeared before me, Michal Perault, one of the justices of the peace in and for the parish of St. Landry, the following witness, Lopas Gobo, who, after being duly sworn, deposeth and says, that, several years previous to the change of government in Louisiana, the date of the year he does not now recollect, he went, with two other men, to see the land on bayou Grosse-tete; when they arrived there, they found several people living there; this deponent was pleased with the place, and remained there, and lived with a countryman of his, who was a Spaniard, by the name of Santiago de Laxago, who was settled and cultivating a small place on the Grosse-tete a few miles below the bayou Maranguam; this deponent continued to live there with de Laxaga for more than two years, until de Laxoga, and his neighbor, who was a Spaniard also, by the name of Joseph Alraxes, who was settled and living on the bayou a mile or two below them, were both employed, by a man by the name of Noland, to go to the Spanish country to catch Spanish horses and mules; this deponent heard, some time after they had started from the Grosse-tete, that Noland, the man who employed them, was killed, and his two countrymen, Alraxes and de Laxoga, were both taken prisoners; and that the last that this deponent recollects ever to have heard of them.

And furthermore he sayeth not.

(Signed,) his LOPAS X GOBO. mark.

Sworn and subscribed to before me, this fourth day of October, 1835.

MICHEL PERAULT,
One of the justices of the peace in and for the parish of St. Landry.

Document No. 6.

ETAT DE LA LOUISIANE,
Paroisse St. Landry, comté des Opelousas:

Pardevant moi, Louis Chacherie, juge de paix pour et dans la paroisse susdite, est comparu le Sieur Thomas Peyrault, lequel, après avoir été dûment assermenté sur la sainte évangile, déclare qu'environ l'année mil huit cent quatre, étant en route pour la partie espagnole et séjournant quelques jours chez le nommé Charles Sallier, [il] le pria de lui lire quelques papiers qu'avaient laissé, lui dit-il, les nommés Alvarez et Rozat, Espagnols, qui étaient allés dans les provinces internes, et dont il n'avait pas eu des nouvelles depuis très long-temps; qu'il se rappelle lui déposant que dans ses papiers qu'il lut, il y avait deux concessions de quarante arpens sur le Bayou Grosse-tête, chaque aux noms des susdits Rozat et Alvarez, accordées par le Gouverneur Miro; que le susdit Charles Savoyard lui dit alors qu'il croyait que ces concessions ne serveraient pas, ayant ouï dire que les dits Rozant et Alvarez avaient été tué lors de la défaite de Nolins, avec [qui] ils étaient alors.

(Signed) THOMAS PEYRAULT.

Sworn to and subscribed before me, this nineteenth day of November, 1823.

(Signed) L. CHACHIRI,
J. of P. in and for St. Landry.

Document No. 7.

ETAT DE LA LOUISIANE,
Paroisse St. Landry, comté des Opelousas:

Pardevant moi, Louis Chachiri, juge de paix pour et dans la paroisse susdite, est comparu Charles Sallier, dit Charles Savoyard, y résidant, lequel, après avoir été dûment assermenté, déclare et dit que dans l'année mil huit cent, ou mil huit cent un, les nommés Santiago de la Rosa et Joseph Alvarez, étant à son habitation à Carconstrion et en route pour aller joindre Philip Nolins aux Nacogdoches, laissèrent entre ses mains, à titre de dépôt, et pour leur être remis à leur retour, différents papiers et quelques autres objets; que quelque temps après leur départ, ayant su la défaite du dit Nolins dans la province de Texas, et ne voyant pas revenir les dits Rosa et Alvarez, il crut devoir faire examiner les papiers qu'il avait en garde; et que, pour cet effet, il les fit lus par une personne que se trouvait chez lui, ne sachant pas lire lui-même; qu'autant qu'il se rappelle, celui qui les lut se nommait Peyrault; qu'il lui dit que parmi ces papiers il se trouvait deux concessions ou ordres d'arpentage, de quarante arpens de face chaque sur quarante de profondeur, au Bayou Grosse-tête; que les autres étaient des reçus, des comptes de marchandises acquittés, et factures; que dans l'année mil huit cent vingt-deux ces mêmes Rosa et Alvarez revinrent, et lui dirent qu'ayant été faits prisonniers lors de la mort de Nolins, ils n'avaient pas s'échapper que depuis quelques mois; qu'ils lui redemandèrent leurs effets et papiers, et qu'il les leur remit alors; qu'il se rappelle parfaitement que ces concessions étaient donnés par le Gouverneur Miro, et au nom des dits Rosa et Alvarez.

Marque
CHARLES ⋈ SALLIER.
ordinaire.

Sworn to and subscribed before me, this 17th day of November, 1823.

(Sig'd) L. CHACHIRI,
J'ce of P'ce acting in and for St. Landry.

U. S. LAND OFFICE, *New Orleans*, 12*th March*, 1846.

It is hereby certified, that the foregoing five pages, number 1 to 5 inclusive, and the above on page 6, are true copies from book No. 13, J 10, forming part of the archives of this office.

In faith whereof I hereunto subscribe my name, the day and year above written.

(Signed,) PETER LAIDLAW, *Register.*

No. 10.

Robert Bell claims, by virtue of purchase, two certain contiguous tracts of land, situate and lying on the west bank of the bayou Gross Tete, in the parish of Iberville, containing each forty arpens front on said bayou, by the ordinary depth of forty arpens; being, in all, thirty-two hundred superficial arpens.

The said tracts are held by purchase immediately from St. Iago de la Rosa and Joseph Alvarez, who received regular orders of survey for the same respectively from the Spanish government, to wit, the former on the 21st October, 1787, and the latter on the 15th day of February, 1789; which said orders are herewith presented, together with evidence of habitation and cultivation of the said land, by the said grantees, on the 20th December, 1803, and for several years prior; all which duly considered, said claimant prays, that the said accompanying evidence may be duly admitted to record, and favorably reported on, &c., &c.

We are therefore of opinion, that this claim ought to be confirmed.

U. S. Land Office, *New Orleans*, 12*th March*, 1846.

It is hereby certified, that the foregoing is a true copy of the claim of Robert Bell, as filed in the office aforesaid, under an act of Congress of 6th February, 1835, entitled "an act for the final adjustment of claims to lands in the State of Louisiana," reported upon by the reporter of the land office and the receiver of public moneys for the So. eastern dis. of Louisiana.

(Signed,) PETER LAIDLAW, *Register*.

And on the trial of the cause, June 16th, 1846, was admitted in evidence a translation, by Ed. Lauve, the translator of the court, of the French portion of the foregoing "document No. 4," which translation is in the words and figures following, to wit:

Document No. 6.

State of Louisiana, parish of St. Laundry, county of Opelousas.

Personally appeared before me, Lewis Chachirie, justice of the peace in and for the above named parish, Thomas Peyrault, who, after being duly sworn, states, that about the year eighteen hundred and four, being then on his way to the Spanish district, he lodged a few days at the house of Charles Sallier, who requested him to read to him some papers, which he stated had been left with him by two Spaniards named Alvarez and Rozat, who had gone to the provinces in the interior, and from whom he had not heard for a great length of time. Deponent remembers that among the papers or documents which were read there were two grants of 40 arpens each, on the bayo Grosse Tete, in the name of said Rozat and Alvarez, made by Governor Miro; that said Charles Sallier then told deponent that he believed said grants would be of no use as he had heard that said Rozat and Alvarez had been killed at the time of the defeat of Nolins, with whom they then were.

(Signed) THOMAS PEYRAULT.

Sworn to and subscribed to before me, this seventeenth day of November, 1823.

(Signed) LEWIS CHACHIRIE,
Justice of the peace in and for the parish of St. Landry.

Document No. 7.

State of Louisiana, parish of St. Landry, county of Opelousas.

Personally appeared before me, Lewis Chachirie, justice of peace in and for the above named parish, Charles Sallier, alias Charles Savoyard, a resident of said parish, who after being duly sworn states, that in the year eighteen hundred or eighteen hundred and one, the individuals named Santiago de la Roza and Joseph Alvarez, being on his plantation, and on their way to meet Philip Nolins, left with him on deposit, and to be handed to them on their return, sundry papers and other effects; that some time after their departure, having heard of the defeat of said Nolens in the province of Texas, and not seeing said Roza and Alvarez come back, he thought it his duty to have the papers deposited with him examined, and for that purpose had them read by a person who was at his house, he (deponent) not knowing [how] to read; that to the best of his recollection said papers were read by a person named Peyrault, who told him that among them were two grants or orders of survey, of forty arpents front, each, by forty arpents in depth, on bayou Grosse Tete; that the other papers were accounts and receipts of invoices of goods; that in the year 1822, the said Rozas and Alvarez came back, and told him, (deponent) that having been made prisoners at the death of Nolins, they had not been able to escape 'til within a few months; that they asked for their papers and effects, and he handed them to them; that he (deponent) remembers well that said grants were made out in the name of Governor Miro, and in favor of said Roza and Alvarez.

Ordinary ⋈ mark of CHARLES SALLIER.

Sworn to and subscribed before me, this nineteenth of November, 1823.

(Signed) LEWIS CHACHIRIE,
Justice of peace in and for the parish of St. Landry.

And on the trial of the cause, June 16th, 1846, was admitted in evidence and filed a document, marked "Doc. No. 5," in the words and figures following, to wit:

STATE OF LOUISIANA,
City of New Orleans:

Be it known, that this day, before me, William Christy, a notary public in and for the said city and parish of New Orleans, duly commissioned and qualified, personally came and appeared Robert Bell, of the parish of St. James in this State, who presented me, said notary, a document purporting to be a sale of land from Santiago de Laroza to him, said appearer, requesting me, said notary, to record the same among my notarial acts; which document is in the words and figures following, to wit:

"PARISH OF ST. LANDRY."

"I, Santiago de Larosa, of the parish aforesaid, and State of Louisiana, for and in consideration of the sum of three thousand dollars, to me in hand paid, the receipt whereof I do hereby acknowledge, and do hereby transfer and make over to Robert Bell, esq'r, of the parish of St. John the Baptist and State aforesaid, all my right and title to a claim of land on the bayou Grass Fait, about one league below the mouth of the bayou Maringamn, in the parish of Iberville, containing forty arpents front on each side of said bayou, with the depth of forty arpents, by virtue of an order of survey granted to me by Gov. Miro in 1787. To have and to hold the said premises hereby conveyed, to the said Robert Bell, his heirs and assigns, forever. And I, the said Santiago de Larosa, do hereby guarantee the same, for myself and heirs, to the said Robert Bell, his heirs and assigns, against all claims of any person or persons, except the claim of the United States. In testimony whereof I have hereunto set my hand, at the parish of St. Landry, this 24th day of April, 1825.

his
SANTIAGO X DE LAROSA.
mark.

JAMES P. VANCE,
GEORGE MOORE,
Witnesses.

I, the undersigned notary, do hereby certify the foregoing to be a true copy of the original sale, which, after having been identified with this act by my signature, and the impress of my seal of office, was returned to the said Bell, who hereby acknowledges the receipt thereof.

Thus done and recorded in my office, at the said city of New Orleans, in the presence of W. Finney and J. Neville, witnesses of lawful age, and domiciliated in this city, who hereunto sign their names, together with said appearer and me, said notary, this twentieth day of January, one thousand eight hundred and thirty-three.

Original signed— R. BELL,
WM. CHRISTY,
Not. Pub.

W. FINNEY,
J. NEVILLE.

A true copy of the orignal. 13th May, 1836.

[SEAL.] (Signed) WM. CHRISTY,
Not. Pub.

And on the trial of the cause, June 16th, 1846, was admitted in evidence and filed, on behalf of the petitioner, a document marked "Doc. No. 6," in the words and figures following, to wit:

STATE OF LOUISIANA,
City of New Orleans:

Be it known, that this day, before me, William Christy, a notary public in and for the said city and parish of New Orleans, duly com-

missioned and qualified, personally came and appeared Robert Bell, of the parish of St. James, in this State, who delivered to me, said notary, a document purporting to be a sale of land from Joseph Alvaries to him, said appearer; at the same time he requested me to record the same among my notarial acts; which document is in the words and figures following, to wit:

PARISH OF ST. LANDRY:

I, Joseph Alvaries, of the parish aforesaid, and State of Louisiana, for and in consideration of the sum of twenty-five hundred dollars, to me in hand paid, the receipt whereof I do hereby acknowledge, and do transfer and make over to Robert Bell, esq'r, of the parish of St. John the Baptist, and State aforesaid, all my right and title to a claim of land on the bayou Grass Fait, adjoining land owned by Santiago de Larosa, on the lower side, in the parish of Iberville, containing forty arpents front by forty in depth on each side of said bayou, by virtue of an order of survey granted to me by Governor Mixo in the year 1789. To have and to hold the said premises hereby conveyed, to the said Robert Bell, his heirs and assigns, forever. And I, the said Joseph Alvaries, do hereby guarantee the same, for myself and heirs, to the said Robert Bell, his heirs and assigns, against all claims of any person or persons, except the claim of the United States.

In testimony whereof, I have hereunto set my hand, at the parish of St. Landry, this 24th day of April, 1825.

Original signed—

his
JOSEPH X ALVARIES.
mark.

JAMES P. VANCE,
GEORGE MOORE,
Witnesses.

I, the undersigned notary, do hereby certify the foregoing to be a true copy of the original sale, which after having been identified with this act by my signature and seal of office, was returned to the said Bell, who hereby acknowledges the receipt thereof.

Thus done and recorded in my office, at the said city of New Orleans, in the presence of W. Finney and J. Neville, witnesses of lawful age, and domiciliated in this city, who hereunto sign their names, together with said appearers, and me, said notary, this twentieth day of January, one thousand eight hundred and thirty-three.

Original signed—R. Bell, W. Finney, J. Neville.

WM. CHRISTY, *Not. Pub.*

A true copy of the original, 13th May, 1836.

(Signed,) WM. CHRISTY, *Not. Pub.*

And on the trial of the cause, June 16th, 1846, was admitted in evidence, and filed on behalf of the petitioner, a document marked "Doc. No. 7," which is in the words and figures following, to wit:

Ne varietur. JEAN JACQUES ROMAN, *Judge.*

Being advanced in years, and knowing the uncertainty of life, make this my last will and testament. Having perfect confidence in my beloved wife, Caroline S. Butler, (Bell,) and knowing she is perfectly acquainted with all my wishes, present and future, after paying all my just debts, do, by these presents, will and bequeath to her, the said Caroline S. Butler, all and every thing, both real and personal, I may die possessed of, and sole executrix of the same.

Signed, R. BELL.

'Ne Varietur,'

Signed, JEAN JACQUES ROMAN, *Judge.*

Whereas the olographic will and testament of the late Robert Bell, late of this parish, which is filed in this court, has been duly proven to the satisfaction of this court, it is therefore ordered, adjudged, and decreed, that the said last will and testament be executed, recorded, and deposited, after being signed, "ne varietur," by the judge of this court, at the beginning and end thereof, according to law; and it is further ordered that Mrs. Caroline S. Butler, surviving widow of the said Robert Bell, who, leaving no issue, no surviving parents nor descendants, did appoint and institute his said consort his sole testamentary heir and universal legatee and sole executrix under said will, be, and she is hereby recognised and confirmed as such; and that letters of testamentary executorship issue to her upon her taking the oath required by law.

Parish of St. James, 19th Dec'r, 1842.

Signed, JEAN JAQUES ROMAN, *Judge.*

A true copy of the original olographic last will and testament of [the] late Robert Bell, and likewise of the original order decreeing the same to be executed, recorded, and deposited, after being signed "ne varietur" by the undersigned judge at the beginning and end thereof; all which was accordingly done, and stands on file and of record in my office.

Witness my hand and seal of office hereunto set and affixed, at the court-house of the parish of St. James, this 24th September, 1845.

[L. s.]

(Signed,) JEAN JACQUES ROMAN,

Parish judge, ex officio judge and clerk of the court of Probates, in and for the parish of St. James.

And on the trial of the cause, June 16th, 1846, was admitted in evidence, on behalf of the petitioner, a plat or plan, marked "Doc. No. 8," of which the following, on page 34, is a fac simile:

[For map, see original.]

And on the trial of the cause, June 16th, 1846, was admitted in evidence a document, marked "Doc. No. 9," containing a plat and descriptive survey, as follows:

[For plat and descriptive survey, see page 35 of original.]

Pursuant to an order from the honorable the United States district court, district of Louisiana, dated March 16th, 1846, said order, made

Ne varietur. JEAN JACQUES ROMAN, *Judge.*

Being advanced in years, and knowing the uncertainty of life, make this my last will and testament. Having perfect confidence in my beloved wife, Caroline S. Butler, (Bell,) and knowing she is perfectly acquainted with all my wishes, present and future, after paying all my just debts, do, by these presents, will and bequeath to her, the said Caroline S. Butler, all and every thing, both real and personal, I may die possessed of, and sole executrix of the same.

Signed, R. BELL.

'Ne Varietur,'

Signed, JEAN JACQUES ROMAN, *Judge.*

Whereas the olographic will and testament of the late Robert Bell, late of this parish, which is filed in this court, has been duly proven to the satisfaction of this court, it is therefore ordered, adjudged, and decreed, that the said last will and testament be executed, recorded, and deposited, after being signed, "ne varietur," by the judge of this court, at the beginning and end thereof, according to law; and it is further ordered that Mrs. Caroline S. Butler, surviving widow of the said Robert Bell, who, leaving no issue, no surviving parents nor descendants, did appoint and institute his said consort his sole testamentary heir and universal legatee and sole executrix under said will, be, and she is hereby recognised and confirmed as such; and that letters of testamentary executorship issue to her upon her taking the oath required by law.

Parish of St. James, 19th Dec'r, 1842.

Signed, JEAN JAQUES ROMAN, *Judge.*

A true copy of the original olographic last will and testament of [the] late Robert Bell, and likewise of the original order decreeing the same to be executed, recorded, and deposited, after being signed "ne varietur" by the undersigned judge at the beginning and end thereof; all which was accordingly done, and stands on file and of record in my office.

Witness my hand and seal of office hereunto set and affixed, at the court-house of the parish of St. James, this 24th September, 1845.

[L. S.]

(Signed,) JEAN JACQUES ROMAN,

Parish judge, ex officio judge and clerk of the court of Probates, in and for the parish of St. James.

And on the trial of the cause, June 16th, 1846, was admitted in evidence, on behalf of the petitioner, a plat or plan, marked "Doc. No. 8," of which the following, on page 34, is a fac simile:

[For map, see original.]

And on the trial of the cause, June 16th, 1846, was admitted in evidence a document, marked "Doc. No. 9," containing a plat and descriptive survey, as follows:

[For plat and descriptive survey, see page 35 of original.]

Pursuant to an order from the honorable the United States district court, district of Louisiana, dated March 16th, 1846, said order, made

on the suit of Caroline S. Bell vs. The United States, No. 2, a copy of which order is hereto annexed, I have surveyed the claim of Robert Bell, (commissioner's report No. 10,) situated on the west bank of Bayou Grossetete, at the distance of one league from the junction of the Bayous Grossetete and Maringuin, in the parishes of Point Coupee and Iberville, Louisiana. The above claim appears to have been founded upon two regular orders of survey, granted by the Spanish government to Santiago de la Rosa and Joseph Alvarez; the former on the 21st day of October, 1787, and the latter on the 15th day of February, 1789.—Commenced at the junction of the Bayous Grossetete and Maringuin, thence down the west bank of the Bayou Grossetete, with its meanders, one league, where I established the upper front corner of the "Santiago de la Rosa tract," on a hackberry, marked thus, +III; thence with the meanders of Bayou Grossetete, in front of said tract, as follows: S. 44, E. 10.00 chains; S. 49 E. 15.00 chs.; S. 35 E. 15.00 chs.; south 5.00 chs.; S. 9 W. 6.00 chs.; S. 21 E. 4.00 chs.; S. 40 E. 8.00 chs.; S. 7 E. 6.00 chs.; S. 5 W. 14.00 chs., S. 23 W. 8.00 chs.; S. 6 W. 11.00 chs.; S. 35 W. 7.00 chs.; S. 5 W. 8.00 chs.; S. 19 E. 5.00 chs.; S. 40 E. 10.00 chs.; S. 27 E. 5.25 chs., to the lower front corner of the tract, a hackberry, marked thus, +III; thence with the lower side line of the tract S. 77½ W. 42.50 chs. to the Bayou Maringuin 2.00 chs. wide, 116.36 chs. to the lower back corner; thence with the back line N. 12½ W. 116.36 chs. to the upper back corner of the tract, a sweet gum, marked thus, +III; thence N. 77½ E. with the upper side line 6.36 chs. to a pond 8.00 chs. wide, of an oval form, bears N. E. and S. W. 43.26 chs., to Bayou Maringuin, 2 chs. wide, 116.36 chs., to the place [of] beginning.

In front of the Joseph Alvarez tract, with the meanders of bayou Grossetete, as follows: S. 42 E. 10.00 chains, S. 56 E. 15.00 chs., S. 65 E. 9.00 chs., S. 54 E. 9.00 chs., S. 40 E. 15.00 chs., S. 30 E. 5.00 chs., S. 15 E. 5.00 chs., S. 5 E. 10.00 chs., S. 9 W. 14.00 chs., S. 10 E. 22.00 chs., S. 25 E. 5.00 chs., S. 60 E. 9 00 chs., S. 87¾ E. 8.50 chs., to the lower front corner of the tract, a prickly ash marked × 1 1 1; thence with the lower side line S. 77½ W. 116.36 to the lower back corner on the east bank of bayou Maringuin, an elm marked thus × 1 1 1; thence on the back line N. 34¼ W. 5.00 across the bayou Maringuin, 125.28 chains to the upper back corner, being the lower back corner of the "Santiago de la Rosa tract;" thence N. 77½ E. 116.36 chs. to the place of beginning, strong cane land, timber, oak, hickory, ash, gum, holly, hackberry, and cypress.

Surveyed according to the Spanish custom, and having such shape, form, and marks, natural and artificial, as are represented in the above plat and description. Commenced the survey on the 13th, and finished on the 18th of April, 1846. JAMES P. TERRELL,

U. S. deputy surveyor, La.

C. M. TRAIL,
R. JACKSON,
Chain carriers.

And on the trial of the cause, June 16th, 1846, was admitted in evi-

dence, on behalf of the petitioner, a document marked "Doc. No. 10," containing the testimony of A. Cruzat, J. L. Daniel, J. W. Zacharie, and A. Woolfolk, in the words and figures following, to wit:

CLERK'S OFFICE,
U. States district court, April 17, 1845.

CAROLINE S. BELL
vs.
THE UNITED STATES.

According to appointment, the following named witnesses appeared before me this evening, at 5 o'clock, P. M., to give their testimony in the above cause—the district attorney, and Plummer, esq., of counsel, being present.

Antony Crozat, witness for the United States, defendants in the above entitled cause, being duly sworn, states, that having examined the documents marked 2 and 3, he recognises the signature of Miro as being the handwriting of Miro, the former governor of the province of Louisiana.

No cross examination.

(Signed) A. CRUZAT.

John L. Daniels, witness for plaintiffs, being duly sworn, states, that he knew Michel Pevrault, who was a justice of the peace, and had been a member of the legislature from the parish of Avoyelles; in 1837 or 1838 he died. Witness did not know either Daniel McCloud nor Lopez de Gobo.

Cross examined by the district attorney.

Witness did not know St. Jago de la Rosa nor José Alvarez. Looking at the document marked No. 3, and the signature thereto of Joseph Alvarez, says that the name of Joseph is not written in the Spanish language, as the Spanish name for Joseph is José.

Witness, after examining the two documents marked 2 and 3, states that the signature and the body of the document themselves appear to have been written in the same hand—he means the petition and the signatures attached thereto, not the order of the governor. Witness has seen documents signed and drawn up in the same manner that have been confirmed, to which he heard no objections.

(Signed) JNO. L. DANIEL.

James W. Zacharie, witness sworn on behalf of defendants, states that the signature Joseph Alvarez, as attached to document marked 3, is not in the Spanish language, as the name of Joseph is written as it is in the English language; he has frequently known foreigners to write their names in the English language. Witness' father, who was a Frenchman, wrote his name in the English language.

Witness having examined particularly the document marked No. 3, states that the paper appears to have been old at the time it was written from the ink spreading.

Cross examined.

States that the paper written upon, when afterwards made wet, will spread.

(Signed) J. W. ZACHARIE.

Austin Woolfolk, witness sworn on behalf of defendants, states that he is not interested in the present suit in any way. States that about eight years ago there was a great speculation in lands, and a great rage to get Spanish claims. Witness called upon a man, by name Charles Bishop, who was then locating lands for Mr. Hodge Millaudon, and some land speculators; he called upon him for the purpose of getting some floats or Spanish claims to locate upon vacant lands, which he wished to secure upon bayou Grossetete; witness was told by him that he had none to spare which were genuine. Some time after, to wit, in the spring, Robert Bell and Rezin Bowie called upon witness, and asked him if he was the Woolfolk who wished to procure Spanish claims to cover lands on Grossetête. Witness told them that he was, and that he wished to procure them. They then asked him what number of acres he wished to cover; to which he answered from 1,500 to 2,000; that he did not know exactly, but would let them know when he came down again. When witness returned Mr. Bowie was sick, as he was told by Mr. Bell, but that he, Bell, could transact the business with him for Bowie; that he could give witness a claim of not less than from 2,500 to 3,000 acres, a genuine claim. Witness replied that he did not want more than 500 acres, as he could not find more land upon bayou Grossetete than that quantity which he could cover in the place that he wanted. Bowie, whom witness met afterwards, quarrelled with him, stating that he had put himself to a good deal of trouble to accommodate him. Bell urged upon witness afterwards to take the claim above mentioned, stating that although Bowie had a bad name, the claim was a good one, and that Government scrip could be procured for the surplus that he might not want. Witness never heard any thing against Mr. Bell.

Witness being shown the documents marked 2 and 3 states, that they are the same offered to him by Mr. Bell and Bowie. Witness delivered back the documents himself to Mr. Bowie, who abused him most severely for doing so, as he, Bowie stated, for refusing to comply with the contract.

Bowie offered afterwards to give the said claim to witnesses for a little one eyed negro boy in his possession, valued at about two hundred dollars. Witness resides now on bayou Grosse-tete, and has a plantation there. The bayou Maringo is connected with the bayou Grostete, forking about three miles above where this land commences, to wit, this Spanish grant. The Marengo is a navigable stream.

The United States had those lands surveyed fronting the bayou Grostete, and running back to the Marengo. In 1821 the first settlement was made that witness knew of about this place. Before this it was entirely a new country, not inhabited by any persons, except Indians or

hunters. It was also subject to overflow; there were no signs or vestiges left of habitation before this time; indeed, such was the condition of the country it was impossible to inhabit it. Witness has been off and on in this country ever since the year 1809. Some five miles below this part there were habitations, and also about three or four miles above.

States that he had this conversation above mentioned with Bowie and Bell, in the year 1834 or 1835.

The plaintiff in this cause is the widow of Robert Bell, whom witness has referred to in his testimony; that witness has no doubt that Robert Bell came in possession of these titles correctly, and that he, Bell, believed them to be good, although witness thinks they are not. From the manner in which Bell spoke of the titles, witness considered they were in the possession of Bowie; Bell having further stated to witness that he, Bowie, owed him money, and would be glad if witness could take them. That Bell was a careless man in business, and allowed other persons to transact his business for him. Witness did not consider that these titles required any particular location, but that they could be located anywhere; that he carried them to Canonge, who told him that, if these titles were good, they could be located anywhere. Canonge was not in the land office at that time. Canonge appeared to be the friend of Bowie.

Witness specified the particular spot to Bowie and Bell where he wished to have the lands located, and it was about the place where the claim in the present controversy commences. There was a great overflow in 1828 by breaking of the Point Coupé levee, and raised the lands much higher between the bayou Gros-tete and Marengo, making them susceptible of cultivation, with the small expense of ditching. Witness has the patents of some of these lands, but there have been patents issued for the whole of them by the United States. Witness looked for Mr. Crozat whilst he held these titles in his possession for him to examine them, but he could not find him. Witness had the papers in his possession about two weeks or more.

Robert Bell, it was said, had lived about six miles above the grant.

When witness held the first conversation already mentioned between Bowie, Bell, and himself, they did not refer to any titles particularly, but asked him how much land he wanted. The Rezin Bowie spoken of was of the family of Bowie's who were said to be so much engaged in fraudulent Spanish land claims; that had it not been for this report that the family of Bowie were thus engaged, witness would have traded with Bell for the land claim spoken of.

(Signed) AUSTIN WOOLFOLK.

The witnesses having had their several depositions read to them by me, and the same having been corrected before signing, they affixed their signatures thereto in my presence; and the testimony here closed, to be resumed to-morrow evening at 5 o'clock, P. M. April 17th, 1845.

(Signed) N. R. JENNINGS, *Commissioner*.

And on the 16th day of June, 1846, the following entry was made on the minutes, to wit:

I, Theodore Howard McCaleb, judge of the United States district court, for the district of Louisiana, do hereby certify, that Needler R. Jennings, who signed the above certificate, is, and was at the time of so signing his name, the clerk of the United States district court for the district of Louisiana, that faith and credit are due and ought to be given to his attestations as such, and that the above certificate is in due form of law.

In testimony whereof I have hereunto signed my name, and affixed my seal, this twenty-fifth day of October, in the year of our [SEAL.] Lord one thousand eight hundred and forty-seven, and the seventy-second year of the American independence.

THEO. H. McCALEB, *U. S. judge.*

United States district court, for the district of Louisiana, to Caroline S. Bell, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States of America, to be holden at Washington city, on the first Monday of December next, pursuant to an order of appeal, granted on the thirteenth day of February, 1847, by the district judge of the United States for the district of Louisiana, in a certain suit wherein you are plaintiff and the United States are defendants, to show cause, if any there be, why the decree rendered on the second day of July, 1846, against the said appellants, and in your favor, should not be corrected, and why speedy justice should not be done to the parties in this behalf.

[L. S.] Witness my hand and seal, at New Orleans, this fourteenth day of August, A. D. 1847.

THEO. H. McCALEB, *U. S. judge.*

Marshal's return.

Received, August 27th, 1847, and on the 12th day of October, 1847, served copy of this citation on H. H. Strawbridge, esq, representing H. N. and A. N. Ogden, esqs., counsel for Caroline S. Bell, in their absence, said Strawbridge accepting service in their behalf.

Returned 12th October, 1847.

W. J. WAGNER,
U. S. marshal.

Filed 15th November, 1847.

1535.

SUPREME COURT OF THE UNITED STATES.

No. 160.

THE UNITED STATES, APPELLANTS,

vs.

THOMAS CURRY AND RICE GARLAND.

APPEAL FROM THE DISTRICT COURT U. S. FOR LOUISIANA.

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J & G. S. Gideon, Printers.

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United States district court, for the district of Louisiana:

Be it remembered, that on the fourth day of September, in the year of our Lord one thousand eight hundred and forty-four, Thomas Curry and Rice Garland, by their solicitors, Samuel A. Plumer and W. C. Hamner, came into the district court of the United States, for the then eastern district of Louisiana, and filed the following petition, to wit:

To the honorable Theodore H. McCaleb, judge of the district court of the United States of America, in and for the eastern district of the State of Louisiana:

The petition of Thomas Curry, a resident of the parish of Concordia, in the State of Louisiana, and of Rice Garland, a resident of the parish of St. Landry, in said State, respectfully represents, that they are the owners, proprietors, and possessors of a certain tract or parcel of land lying and being in the parish of Concordia, in said State, on the east bank of Black river, formerly called the Rio Negro, and on the south side in part of its boundary, on the river Tensas; said tract containing forty thousand arpens, more or less, and will be more particularly described hereafter. Your petitioners represent, that they purchased said tract of land of Louis Bringier, the original grantee, by an act of sale passed before Theodore Seghers, a notary public in and for the city of New Orleans, on the day of the month of , in the year 1841, which will be produced whenever required, or on the trial of this cause.

Your petitioners further represent, that on the day of the month of , in the year 1796, the Baron de Corondelet, then Governor of the province of Louisiana, granted or conceded to Louis Bringier, represented by his father, Don Marius Bringier, in consideration of services rendered by said Marius to the Spanish government, the quantity of forty thousand superficial arpens of land, to be located in said province. Shortly after said grant or concession was made, the land mentioned was regularly located and surveyed by the then surveyor general of the province, Don Carlos Trudeau, as will more fully appear by reference to a certified copy of the plat of survey hereto annexed and referred to, the original of which will be produced on the trial if required.

Your petitioners further state, that soon after they purchased said land, they took actual possession of the same, and in the months of November and December, in the year 1841, had it regularly surveyed and marked out according to the boundaries, courses, and distances specified in the survey made by the Spanish surveyor general, by George Stewart, a duly commissioned surveyor of the United States, who made a regular plat of the same, which is on file in the General Land Office at Washington city, and in the office of the surveyor general of the United

States for the State of Louisiana, a copy of which will be filed in due time, or when required.

Your petitioners further represent, that the aforesaid Louis Bringier has made various efforts to have his claim to said land investigated by the proper authorities of the United States, and recognised. More than twenty-five years ago he presented a petition to Congress praying for its confirmation to him, but never could get that body to examine and decide it. He has also presented it to the land officers of the United States in Louisiana, but they never acted on it, probably because they had no authority to investigate and report on so large a claim. Your petitioners have made various efforts to have their claim investigated and decided. They have prayed Congress to act on it. They have requested the President of the United States and other officers of the Government to sue them, informing them of their title, but all without effect, and they have been remediless in the premises, until the passage of the act of Congress on the 17th day of June, 1844, authorizing suits to be brought against the United States, for the purpose of trying titles to lands in the State of Louisiana, entitled "an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 31st degree of north latitude, and between the Mississippi and Perdido rivers," the benefit of which they now claimed.

Your petitioners further represent, that the land officers of the United States, at Monroe, in the land district north of Red river in this State, have, at different times, sold various portions of said land to Robert D. Percy, to John Fletcher, to Pleasant H. Prather, to the heirs of John W. Prather, to Richard Smith, to Joseph Tyree, to William D. Adams, to Asa A. Hawthorn, and Frederick J. Bowie, all residents of said parish of Concordia, amounting altogether to acres, as will appear by the annexed certificate from the register of the land office at Monroe, and as will be shewn by other evidence. Your petitioners aver it is not their wish, intention, or purposes to contest the legality and validity of any of said sales, except those to the aforesaid Adams, Hawthorn, and Bowie, which they say are illegal, null and void, they, nor any one of them, not having a legal right to purchase the land sold to them, or any of them; but your petitioners say, that for all the land included in the limits of their claims so sold by the United States, they have, under the provisions of the acts of Congress aforesaid, the right to locate an equal quantity of land elsewhere in the State of Louisiana.

The premises considered, your petitioners reserving the right of amending this petition, and making other parties if necessary, pray that they be permitted to file this their petition and claim against the United States of America and that a copy of the same be served on Balie Peyton, esq., their attorney, for the eastern district of Louisiana, and copies also served on Robert D. Percy, and the other parties named herein as having purchased portions of their said land; and they further pray their claim and right to the same be declared and adjudged good and valid

against the United States, and that they be permitted to locate elsewhere, according to law, a quantity of land equal to that sold by the United States within the limits of their aforesaid grant. They also pray that confirmation or adjudication to them of said land shall be for the quantity stated in the survey of Stewart, and according to the boundaries fixed by him. They also ask for all general relief in premises, according to justice and equity, &c., &c.

Your petitioners aver, that the land claimed by them lies in the parish of Concordia, in the eastern district of the State of Louisiana, and within the jurisdiction of this honorable court.

Signed, SAMUEL A. PLUMMER,
Attorney for petitioners.

Signed, W. C. HAMNER,
Attorney for petitioners.

I acknowledge the service of the within petition on behalf of the United States. August 14th, 1844.

Signed, BALIE PEYTON,
U. S. att. E. D. La.

We acknowledge service of the foregoing and accompanying petition, having purchased the entries of Richard Smith and Joseph Tyree; we accept service of petition, and take their places in this suit. August 19th, 1844.

Signed, CHA'S & JAMES CROSSGROVE.

I accept service of the foregoing and accompanying petition, and waive citation and other process in this case. August 22d, 1844.

Signed, JOHN FLETCHER.

I accept service of the within and foregoing petition, this 22d August, 1844.

Signed, ROBERT D. PERCY.

I accept the service of the within and foregoing petition, this 24th day [of] August, 1844.

Signed, PLEASANT H. PRATER
And for the heirs of J. W. PRATER

Documents annexed to petition.

Abstract of entries from the register of certificates of purchase at land office at Ouachita, Louisiana.

Date of entries.	Purchasers' names.	Pre-emption under act of Congress.	Number of certificate.	Description of tract claimed.	No. sect'n.	No. township.	No. range.	Quantity.	
								Acres.	100th.
1843.									
Aug. 21.	William D. Adams - -	Act of 1841	7915	Northeast quarter - -	10	7 N.	7 E.	160	00
Sept. 1	Pleasant H. Prater - -	Act of 1841	7924	Northeast quarter - -	20	6 N.	7 E.	160	40
Sept. 1	Heirs of John W. Prater, dec.	Act of 1840	7925	Northwest quarter - -	20	6 N.	7 E.	160	40
Sept. 13	Asa A. Hawthorn - -	Act of 1841	7931	Northwest quarter of frac'al	10	7 N.	7 E.	160	00
Sept. 14	Frederick J. Bowie - -	Act of 1841	7932	Southwest fractional quarter	2	7 N.	7 E.	162	45
Sept. 14	Richard Smith - - -	Act of 1841	7933	Southwest fractional quarter	24	7 N.	7 E.	161	00
Sept. 14	Joseph Tyree - - -	Act of 1841	7934	Northwest fractional quarter	24	7 N.	7 E.	128	10

A true copy:

Signed, HENRY O. McENERY, *Register*.

United States vs. Curry et al.

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LUISIANA, ANO 1796, *Puesto de Ouachita:*

COPIE.—Tirée des papiers de Laveau Trudeau, deposée dans les archives de l'Arpenteur Général de l'Etat de la Louisiane, Liasse M., No. 137.

Signé, BOUCHON, *Arpenteur Général.*

[For map, see original, page 7.]

Don Carlos Trudeau, agrimensor rl., &c.

Certifico y declaro, que fue verificado a favor, y en presencia de Don Louis Bringier, y con asistencia de Don Marius Bringier, (padre del interesado,) un terreno de quarento mil arpanes planos, medida de la cuidad de Paris, segun medida agraria en esta provincia, cuyo terreno, situado en el puesto de Ouachitta, sobre el margen izquierdo, digo oriental del Rio Negro, lindado a la parte del norte, parte con la orilla del bayu Tensa, y parte con tierras vacantes; a la parte del oeste, con la orilla del anted'o Rio Negro, y a los de mas lados con tierras vacantes, y del dominio de S. M., el todo demuestrado mas ampliamente en el plano que precede, en aquel van anotados las dimenciones y rumbos de los limites en perchas lineales, los arboles y mojones, y de mas confines naturales y artificales, &c. El apeo sepratico a pedimiento del interesado, y en virtud de orden del señor governador general, el señor Baron de Carondelet. De todo lo que doy fe, y para que sirvo donde convenga, doy la presente, con el plano figurativo que antecede, a quatro del mes de Setiembre de mil setecientos noventa y seis años, firmado el presente agrimensor.

Para copia conforme a los originales remitidos a el interesado al fin que signe las diligencias correspondientes para la formacion del titulo en forma. Dia ut supra.

Signe, CARLOS TRUDEAU, *Ag'ral.*

Pour copie certifié conforme à l'original par le soussigné, arpenteur général de l'Etat de la Louisiane, fait à la Nouvelle Orleans, le 28 Décembre, mil huit cent vingt, 45e de l'independance des Etats Unis d'Amerique.

Signé, BOUCHON, *Arpenteur Général.*

Je reconnais avoir reçu des mains de Mr. C. N. Bouchon, arpenteur général de l'Etat de la Louisiane, l'original de la price dont copie est ci-dessus transcrite dont decharge.

Nouvelle Orleans, le 29 Decembre, 1820.

Pour LOUIS BRINGIER, *Baron, Jr.*

I certify the forgoing plat of survey and process verbal to be a true and exact copy of the original, filed in bundle M, No. 137, amongst the records in the surveyor general's office under my charge.

In testimony whereof I have hereunto set my hand and seal of office in the city of New Orleans, this 22d day of October, 1842, and year of our

Luisiana año 1776
Puesto de Ouachita.
Vacante
Norte 2800 Brs
Don Luis Bringier.
40000 Arpanes.
Vacante.
Rio Ouachita
RIO NEGRO

N.º 166 - Ba. X 8

Lord, and the sixty-seventh of the independence of the United States of America.

Signed, LOUIS BRINGIER, *Surv'r Gen.*

Translation of a document attached to petition in the Spanish language, filed September 5th, 1845.

LOUISIANA, YEAR 1796, *post of Ouachitta:*

Copy taken from the papers of Lavau Trudeau, deposited in the archives of the surveyor general of the State of Louisiana.

Package M, No. 137.

(Signed) BOUCHON, *Surveyor General.*

Don Carlos Trudeau, surveyor royal, &c.: I certify and declare, that there was surveyed in favor and in presence of Don Luis Bringier and of Don Marius Bringier, (father of the party,) a tract of forty thousand superficial arpents, (by measurement of the city of Paris, in conformity with the agrarian measurement of this province,) which tract is situated in the post of Ouachita, upon the left bank, that is to say, the east bank of Black river, bounded on the north partly by the banks of bayou Tensa, and partly by vacant lands on the west by the banks of the aforesaid Black river, and on the other sides by vacant lands of the domains of his majesty, all which are more fully demonstrated in the plan which precedes, in which are noted the dimensions and directions of the boundaries in lineal perches, the trees and landmarks and other natural and artificial limits, &c. This survey was made at the request of the party interested, and in virtue of an order from his excellency the governor general, Baron de Carondelet, all which I certify; and that it may serve whenever required, I grant the present certificate, with the figurative plan which precedes, on the fourth of September one thousand seven hundred and ninety-six, signed by the actual surveyor. True copy conformable to the original remitted to the party interested, that he may take the necessary steps for the formation of the title in form; date as above.

Signed, CARLOS TRUDEAU, *Surveyor Royal.*

A true copy, certified conformable to the original by the undersigned surveyor general of the State of Louisiana, done at New Orleans, on the 28th December, one thousand eight hundred and twenty, the 45th of the independence of the United States of America.

Signed, BOUCHON, *Surveyor General.*

I acknowledge to have received from the hands of Mr. C. N. Bouchon, surveyor general of the State of Louisiana, the original of the documents from which a copy is above transcribed, for which I receipt.

New Orleans, 29th December, 1820.

For LOUIS BRINGIER,
Baron, Jun'r.

And on the twenty-sixth day of October, A. D. 1844, the following citation was issued from the clerk's office, to wit:

The President of the United States of America, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

THOMAS CURRY and RICE GARLAND
vs.
THE UNITED STATES and others.

You are hereby commanded to summon Frederick J. Bowie, a citizen of the State of Louisiana, to comply with the demand of Thomas Curry and Rice Garland, citizens of the State of Louisiana, contained in the petition, of which a copy accompanies this citation, or to deliver his answer to the same in the office of the clerk of the district court of the United States, and eastern district of Louisiana, in the city of New Orleans, in fifteen days after the service hereof, or judgment will be rendered against you by default, which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place *the place* where the court is held; and that you make due return hereof on the first Monday of December, 1844.

Witness the honorable Theodore H. McCaleb, district judge of the United States of America, at the city of New Orleans, in the said eastern district of Louisiana, this twenty-sixth day of October, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-ninth year.

[SEAL.]

For N. R. JENNINGS, *Clerk*.
JAMES R. JENNINGS, *D'y Clerk*.

Marshal's return on the above citation.

Received this 30th day of October, 1844, and on the 11th day of November, 1844, served copies of the within citation, plaintiffs' petition, and documents annexed, on the within named F. J. Bowie, in the manner following, to wit, by handing the same to him, in person, at Vidalia, in the parish of Concordia.

Signed, A. S. ROBERTSON,
U. S. Marshal.
By A. C. HUNTER,
U. S. Deputy Marshal.

And on the twenty-sixth day of October, A. D. 1844, the following citation was issued from the clerk's office, to wit:

The President of the United States of America, to the marshal of the western district of Louisiana, or his lawful deputy, greeting:

THOMAS CURRY and RICE GARLAND
vs.
THE UNITED STATES and others.
No. 1.

You are hereby commanded to summon Asa A. Hawthorn, a citizen of the State of Louisiana, to comply with the demand of Thomas Curry and Rice Garland, citizens of the State of Louisiana, contained in the petition, of which a copy accompanies this citation, or to deliver his an-

swer to the same in the office of the clerk of the district court of the United States and eastern district of Louisiana, in the city of New Orleans, in fifteen days after the service hereof, or judgment will be rendered against you by default, which delay is increased one day for every ten mi es the defendant's residence is distant from New Orleans, the place where the court is held; and that you make due return hereof on the first Monday of December, 1844.

Witness the honorable Theo. H. McCaleb, district judge of the United States of America, at the city of New Orleans, in the said eastern district of Louisiana, this twenty-sixth day of October, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-ninth year.

[SEAL.]

For N. R. JENNINGS, *Clerk*.
JAMES R. JENNINGS, *D'y Clerk*.

Marshal's return on the foregoing citation.

Received, this 19th day of November, 1844, and on the 5th day of December, 1844, served copies of the within citation, plaintiffs' petition, and documents annexed, on the within named Asa A. Hawthorn, in the manner following, to wit, by delivering said copies of citation and plaintiffs' petition to said Asa A. Hawthorn, at his residence on Sicily island.

Costs.—485 miles travel a. 6¼ c. $30 31. Serv. of cit. and pet. $2 40. Money expended for ferriage, &c., $1 50.

(Signed) JOS. BASSETT,
Dy. marshal, west'n dist.

And on the twenty-sixth day of October, A. D. 1844, the following citation was issued from the clerk's office, to wit:

The President of the United States of America, to the marshal of the western district of Louisiana, or his lawful deputy, greeting:

THOMAS CURRY and RICE GARLAND
vs.
THE UNITED STATES and others. } No. 1.

You are hereby commanded to summon William A. Adams, a citizen of the State of Louisiana, to comply with the demand of Thomas Curry and Rice Garland, citizens of the State of Louisiana, contained in the petition, of which a copy accompanies this citation, or to deliver his answer to the same, in the office of the clerk of the district court of the United States, in fifteen days after the service hereof, or judgment will be rendered against you by default; which delay is increased one day for every ten miles the defendant's residence is distant from New Orleans, the place where the court is held. And that you make due return hereof on the first Monday of December, 1844.

Witness the honorable Theo. H. McCaleb, district judge of the United States of America, at the city of New Orleans, in the said eastern district of Louisiana, this twenty-sixth day of October, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-ninth year.

[SEAL.]

For N. R. JENNINGS, *Clerk*,
JAMES R. JENNINGS, *Dy. Clerk*.

Marshal's return on the above citation.

Received, this 19th day of November, 1844, and on the 4th day of December, 1844, served copies of the within citation, plaintiffs' petition, and documents annexed, on the within named Wm. A. Adams, in the manner following, to wit, by delivering said copies of citation, and plaintiffs' petition, to said Wm. A. Adams, at his residence in Franklin parish. Costs: 500 miles travel a. 6¼ c. $31 25. Service of cit. and pet. $2 50. Money expended for ferriage, &c., $1 20.

(Signed) JOS. BASSETT,
Dy. marshal, west. dist.

And on the 16th day of December, A. D. 1844, the defendants, by their attorney, Balie Peyton, came into the said court, and filed the following answer, to wit:

District court of the eastern district of Louisiana:

THOMAS CURRY and RICE GARLAND
vs.
THE UNITED STATES.

The United States, the defendants in the above entitled suit, by their attorney Balie Peyton, for answer to pl'ffs' petition, herein deny all the allegations therein contained, and require strict proof thereof, and pray to be hence dismissed with costs, and for general and equitable relief in the premises.

(Signed) BALIE PEYTON,
U. S. Att'y, E. D. La.

And on the third day of February, A. D. 1845, the following entry was made on the minutes, to wit:

Monday, February 3d, 1845.

Present, Hon. Theo. H. McCaleb.

CURRY and GARLAND
vs.
The UNITED STATES. } No. 1.

The court met upon the first Monday in February, pursuant to adjournment. The docket was called over; whereupon, on the motion of Hamner, esq., of counsel for plaintiffs, in the suit of Thomas Curry and Garland vs. the United States, it is ordered by the court that this cause be fixed for trial for the 21st instant.

And on the twenty-first day of February, A. D. 1845, the following entry was made on the minutes, to wit:

Friday, February 21st, 1845.

Present, the Hon. Theo. H. McCaleb.

THOMAS CURRY and GARLAND vs. The UNITED STATES. } No. 1.

This cause being called, upon notice of Hamner, esq., of counsel for plaintiffs, it was continued for the purpose of procuring evidence.

And on the third day of March, A. D. 1845, the following entry was made on the minutes, to wit:

Monday, March 3d, 1845.

Present, the Hon. Theo. H. McCaleb.

CURRY and GARLAND vs. The UNITED STATES. } No. 1.

This being the first Monday in the month, for the calling of land cases according to the rules of court, the docket was accordingly called, according to the suits numbered. When, upon motion of the counsel for plaintiffs, in the case of Curry and Garland vs. the United States, it is ordered that the said case be fixed for trial for Monday, the 10th instant.

And on the tenth day of March, A. D. 1845, the following entry was made on the minutes, to wit:

Monday, March 10th, 1845.

Present, Hon. Theo. H. McCaleb.

CURRY and GARLAND vs. The UNITED STATES. } No. 1.

This cause being to-day called for trial, neither the plaintiffs nor defendants appearing by their counsel, the court ordered the cause to be continued, and the court to be adjourned until the first Monday in April next.

And on the fifth May, A. D. 1845, the following entry was made on the minutes, to wit:

Monday, May 5th, 1845.

Present, Hon. Theo. H. McCaleb.

CURRY and GARLAND vs. THE UNITED STATES. } No. 1.

The parties not being present, either plaintiffs or defendants, this cause was continued.

And on the third day of July, A. D. 1845, Curry and Garland, by their attorneys, W. C. Hamner and S. Plummer, came into the district court of the United States for the district of Louisiana, and filed the following amended petition, to wit:

In the district court of the United States, in and for district of Louisiana.

THOMAS CURRY and RICE GARLAND
vs.
THE UNITED STATES.

The amended petition of Thomas Curry and Rice Garland respectfully shows:

That said Louis Bringier, the grantee, and Don Marius Bringier, his father, at the time said grant was made, were residents of the then province, and now State of Louisiana, and long before the tenth of March, 1804. And your petitioners further shew, that since the filing of their said petition they have discovered that other portions of said lands have been sold and disposed of by the United States as follows, to wit, to William Nichols and Theodore O. Stark, one hundred and seven $\frac{90}{100}$ acres; to James Rijon, one hundred and sixty acres; to Thomas Bernard, six hundred and four $\frac{67}{100}$ acres; to James H. Stevens and Christian Stevens, four hundred and fifty $\frac{53}{100}$ acres; and to John Henry, one thousand acres; said last mentioned one thousand acres were confirmed to the said John Henry by the commissioners for the adjustment of land titles in Louisiana, under the act of Congress, 18 , and the other portions of said land have been sold by the officers of the United States at the land office at Ouachita. The settlement upon which the claim of John Henry was confirmed will appear, by the testimony in support of it before the commissioners, to have been on the western bank of Black river, instead of the eastern.

Your petitioners further aver, that it is not their intention to interfere with this confirmation, or the sales made by the United States, and that the same are stated and set forth with the view of obtaining script, or a right to locate an equal quantity of land elsewhere, according to the provisions of the act of Congress.

Petitioners therefore pray that, the premises considered, they be permitted to file this amended petition, and that all the allegations therein be taken as if made in their original petition, and that defendants be cited to answer this amended petition, and that they have judgment as prayed for in said petition, with script for the additional quantity of land herein shewn to have been sold or disposed of by the said United States, and for costs. And petitioners further ask for all such general and equitable relief in the premises, as the nature and justice of the case may require.

(Signed) W. C. HAMNER, and
" S. PLUMMER,
Att'ys for plaintiffs.

Judge's order and endorsement on the back of the foregoing amended petition.

Let this amended petition be filed.

(Signed) THEO. H. McCALEB,
U. S. Judge.

Service accepted.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. att'y, dist. Louis.

July 3d, 1845.

And on the seventh day of July, A. D. 1845, the following entry was made on the minutes, to wit:

July 7th, 1845.

Present, the Hon. Theo. H. McCaleb.

CURRY AND GARLAND
vs. } No. 1.
THE UNITED STATES.

The counsel for the plaintiffs in this cause not being present, it was ordered by the court that the same be continued until the first Monday in November next.

And on the fifth day of September, A. D. 1845, the following consent was filed in the clerk's office, to wit:

District court of the United States, district of Louisiana.

GARLAND AND CURRY
vs.
THE UNITED STATES OF AMERICA.

It is hereby agreed that the defendants in the above entitled cause may take out a commission for the examination of Thomas Gilpin, of Wilmington, Delaware; Richard H. Bayard, of Wilmington, Delaware; and George M. Dallas, Charles J. Ingersoll, Joseph R. Ingersoll, John Sargent, Peter McCall, Dr. Robt. M. Patterson, Benj. W. Richards, and Charles Chauncy, of Philadelphia, Penn.; and that all formalities as to the time and mode of taking out such commission are hereby waived, as also the usual affidavit.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. Att'y, Dist. La.

(Signed) SAM'L A. PLUMMER,
Att'y Plff.

New Orleans, Sept. 5th, 1845.

And on the fifth day of September, A. D. 1845, the following rule was entered on the minutes, to wit:

SPECIAL SESSION, *September 5th*, 1845.

Present, Hon. T. H. McCaleb.

GARLAND AND CURRY
vs. } No. 1.
THE UNITED STATES.

On motion of S. W. Downs, United States attorney, district of Louisiana, it is ordered that the plaintiffs in the above entitled cause show cause, on Saturday morning, September 6th, 1845, at 10 o'clock, A. M., why the document filed by said plaintiffs, marked "No. 1, Garland and Curry vs. the United States. Document C. Testimony filed March 3d, 1845, N. R. Jennings, clerk," should not be annexed to a commission taken out by defendants for the examination of Thomas Gilpin, of Wilmington, Delaware, on said defendants having a true and correct copy of said document made out [from] the original Spanish by the translator of this court.

And on the sixth day of September, A. D. 1845, the following entry was made on the minutes, to wit:

SPECIAL SESSION, *Saturday, September 6th*. 1845.

Present, Hon. T. H. McCaleb.

GARLAND AND CURRY
vs.
THE UNITED STATES. } No. 1.

The rule filed in this cause on the 5th instant being this day called for trial, Moise, esq., representing the district attorney, and Plummer, esq., appearing for plaintiffs, after hearing said counsel, it is ordered that said rule be made absolute, and that leave be granted to annex to a commission, taken out by defendants for the examination of Thomas Gilpin, the document on file in this cause, marked C.

And on the 24th day of October, 1845, the following consent was filed in the clerk's office, to wit:

We consent that the commissions in the case of Garland and Curry vs. the United States, received from Philadelphia, be opened.

(Signed) R. GARLAND,
" E. WARREN MOISE,
For S. W. DOWNS,
U. S. Att'y, Dist. Lou.

New Orleans, Oct. 24th, 1845.

And on the 31st day of October, 1845, the following answer was filed in the clerk's office, to wit:

To the honorable the district court of the United States, for the district of Louisiana.

GARLAND AND CURRY
vs.
THE UNITED STATES.

Defendants, for answer to the amended petition of plaintiffs, deny all the allegations therein made, and pray to be dismissed.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. Att'y, Dist. Lou.

And on the first of December, A. D. 1845, the following entry was made on the minutes, to wit:

MONDAY, *December 1st*, 1845.

Present, Hon. Theo. H. McCaleb.

GARLAND AND CURRY
vs.
THE UNITED STATES. } No. 1.

On motion of Hamner, esq., of counsel for plaintiffs, it is ordered that this cause be fixed for trial for Thursday, 18th instant, at 10 o'clock, A. M.

And on the 18th day of December, A. D. 1845, the following entry was made on the minutes, to wit:

THURSDAY, *December 18th*, 1845.

Present, Hon. Theo. H. McCaleb.

GARLAND AND CURRY
vs.
THE UNITED STATES. } No. 1.

This cause being called, it was ordered, on motion of S. W. Downs, esq., U. S. attorney, that the same be continued.

And on the 2d day of February, A. D. 1846, the following entry was made on the minutes, to wit:

MONDAY, *February 2d, A. D.* 1846.

Present, the Hon. T. H. McCaleb.

CURRY AND GARLAND
vs.
THE UNITED STATES.

This being the regular monthly term for the trial of land suits, the docket was called, and this case fixed by petitioners' counsel for Feb'y, 26th inst.

And on the 2d day of March, A. D. 1846, the following entry was made on the minutes, to wit:

MONDAY, *March 2d*, 1846.

CURRY AND GARLAND
vs.
THE UNITED STATES.

Present, the Hon. T. H. McCaleb.

This being the regular monthly term for the trial of land suits, the docket was called, and this cause was fixed by counsel of petitioners for the 9th instant.

And on the 9th day of March, A. D. 1846, the following entry was made on the minutes, to wit:

MONDAY, *March 9th*, 1846.

CURRY AND GARLAND
vs.
THE UNITED STATES. } No. 1.

Present, the Hon. T. H. McCaleb.

This cause being called for trial, Messrs. Hamner and Plummer appeared for petitioners, and the United States district attorney for respondents. And on motion of said United States district attorney, it was ordered that respondents have leave to file an amended answer, and the same was filed accordingly. The cause was then opened, and evidence offered on behalf of petitioners and of respondents.

And on the 9th day of March, A. D. 1846, the following amended answer was filed in the clerk's office, to wit:

District court of the United States.

GARLAND AND CURRY
vs.
THE UNITED STATES.

The defendants in this cause, by their counsel, S. W. Downs, not waiving or changing in any manner their original answer in this their amended and supplemental answer, by leave of the court first had and obtained—

Respectfully sheweth, that the plaintiffs in this cause have sold portions of the land claimed in the petition to Robert D. Percy and others, to respondents unknown, residing on and claiming said land by purchase from the United States Government, by old Spanish claims, or by pre-emption rights or otherwise, and have received large sums of money from said sales and yet have money due to them on said sales, the amount of which, as well as the quantity of land sold and the price, are unknown to respondents' counsel, and can only be made known to the court by a disclosure under oath of the plaintiffs; that it is material and competent for the court to inquire into these facts, and the court cannot, as a court of equity, do justice between the parties without such inquiry; for if such sales have been made, and purchase-money received, plaintiffs, in the event of a recovery in the suit, would have no right to locate elsewhere the quantity of land held by adverse possessors under the provisions of the section of the act of 1844.

Wherefore respondents pray that the said plaintiffs, or either of them, may be ruled to answer on oath the following interrogatories, and that the court, on hearing the answers, will decree, in the event of recovery by the plaintiffs, that they be not allowed to locate the quantity of land thus sold elsewhere, and compelled to pay the amounts thus received to defendants, and that such other and further relief may be granted by the court as the justice, law, and equity of the case may require.

Interrogatories.

1st. Have you sold your right, title, and interest to a portion of the Bringier claim (the one on which this suit is brought) to R. D. Percy and others?

2d. If you answer the first interrogatory in the affirmative, then state, specifically and in detail, have you thus sold all of said claim? If not, state to whom you sold—how much you sold—and for how much you sold per acre—how and when it was paid or secured, and all the facts and circumstances, as if specifically interrogated on each point.

(Signed) S. W. DOWNS,
U. S. att'y, dist. of La.

And on the tenth day of March, A. D. 1846, the following answer was filed in the clerk's office, to wit:

THOMAS CURRY AND R. GARLAND
vs.
THE UNITED STATES. } On trial.

Answer of Thomas Curry, one of the plaintiffs in this suit, to interrogatories propounded by the district attorney of the United States.

Thomas Curry, being duly sworn, says, in answer to the first interrogatory, that R. Garland and himself, on the 12th January, 1842, did sell on a quit claim, the s e. and s. w. qrs. of section 4, in township 7, range 7 east; in all 320 acres, at one dollar and twenty-five cents per acre, amount to the sum of $400 cash. The balance of Mr. Percy's plantation is within the Bringier claim, and was sold by the Government.

2d interrogatory. Deponent says himself and Rice Garland, jointly, have sold the following tract or quarter section of land in the Bringier claim, on a quit claim, at one dollar and twenty-five cents per acre, to wit:

To D. Hovey, north half of section 10, township 7, range 7 east; n. w. quarter of section 11, in same township and range; in all 480 acres, at $1.25 per acre, amounting to $600, for his note, secured by mortgage on the land.

To John W. Christian, s. w. quarter of section 2, in township 7, range 7 east; in all 160 acres, at $1.25 per acre, amounting to $200, for his and Hovey's joint note, secured by mortgage on the land.

To Evans Vaughan, n. e. quarter of section 13, and n. w. quarter of section 18, all in township 7, range 6 east; in all 320 acres, at $1.25 per acre, amounting to $400, for his note, secured by mortgage on land.

To David S. Stacey, n. w. quarter of section 30, in township 7, range 8 east; in all 160 acres, at $1.25 per acre; $200 in cash.

To Charles and James Crossgrove, the north half of section 25, and n. e. quarter of section 24; all in township 7, range 7 east; in all 480 acres, at $1.25 per acre, amounting to $600, part cash $400, and balance on credit $200.

Sold to Robert Brannon, n. w. and s. w. quarters of section 7, in township 7, range 8 east; in all 320 acres, at $1.25 per acre, amounting to $400.

The foregoing statement and answer to the interrogatories contain an exact account of the land which the plaintiffs have sold since they

purchased the Bringier claim in 1841, and which are situated in, and make part of, the said claim. No equivalents for these tracts are asked in the present suit from the Government. It is not for those tracts and portions of this claim which have been sold by the Government, that indemnity or the right to enter lands elsewhere is claimed.

(Signed) THOS. CURRY.

Sworn to and subscribed before me, this 10th day of October, 1846.

(Signed) L. E. SIMONDS, *D'y cl'k.*

And on the 9th day of March, A. D. 1846, the following document, marked I, was admitted in evidence and filed, to wit:

April 30*th*, 1841.

Be it known, that on this day, before me, Theodore Seghers, notary public, duly commissioned and sworn, for the city and parish of New Orleans, State of Louisiana, and in presence of the undersigned witnesses, personally came and appeared Louis Bringier, residing in this city of New Orleans, who declared that, for and in consideration of the sum of five thousand dollars, to him in hand paid in ready money by the hereinafter named purchasers, the receipt whereof he does hereby acknowledge, he, the said Louis Bringier, does by these presents sell, bargain, and convey, assign and make over, forever, unto Thomas Curry, of New Orleans, and Rice Garland, of Opelousas, both here present and accepting jointly, each for one undivided half, all the right, title, interest, and claims, that he may have in and to a certain tract or parcel of land situated in the county of Concordia, on the east bank of the Rio Negro, commonly called Black river, commencing at the mouth of the bayou Tensas, having such front on the said Black river, running back on the lower line, east fourteen hundred perches or poles, on the back line, running north two thousand eight hundred perches or poles, and on the upper line, three hundred and eighty perches or poles, to the bayou Tensas; thence to the mouth of said bayou, as will give the superficial quantity of forty thousand arpents; according to a plan of survey made by Don Carlos Trudeau, formerly surveyor general of the province of Louisiana, on the fourth of September, in the year seventeen hundred and ninety-six, in obedience to an order of survey given by the Baron Carondelet, formerly governor of the province of Louisiana; the original plan of survey has been delivered by said Louis Bruigier to the purchasers, who acknowledge the receipt thereof.

This sale is made without any warranty on the part of Mr. Bringier, except against himself, his heirs, and those claiming under him.

The purchasers declare that, knowing that said title has not been confirmed by the United States, they take upon themselves all the risk and expense of procuring the confirmation thereof. Mr. Bringier declares, that there is no mortgage recorded against him on the said tract of land, and the purchasers dispense with the production of a certificate from the mortgage office of the parish of Concordia, and release me,

the notary, from any liability resulting from the non-production of such certificate.

Thus done and passed at New Orleans, in my office, on the thirtieth day of April, eighteen hundred and forty-one, in the sixty-fifth year of the American independence, in the presence of Jean François Gaudin and Louis Quemper, both of this city, witnesses, who have signed with the parties and me, the notary, after due reading hereof.

(Signed,) LS. BRINGIER,
R. GARLAND,
THO. CURRY,
TH'RE SEGHERS,
Notary public.

J. F. GAUDIN,
LEWIS QUEMPER.

I certify the foregoing to be a true copy from the original act on record in my office.

In faith whereof I have hereunto set my hand and seal of office, this first May, eighteen hundred and forty-one.

[SEAL.] (Signed,) TH'RE SEGHERS,
Notary public.

STATE OF LOUISIANA,
Parish of Concordia, ss:

I, James Dunlap, judge of said parish, do certify the within deed to be of record in my office, book I, pages 483 and 484.

Witness my hand and seal of office, this 11th May, 1841.

[SEAL.] (Signed,) JAMES DUNLAP,
Parish judge.

Document annexed to the foregoing "deed."

UNITED STATES OF AMERICA,
State of Louisiana:

By A. B. Roman, governor of the State of Louisiana.

These are to certify, that Th're Seghers and James Dunlap, whose names are subscribed to the instrument of writing herein annexed, are now, and were at the time of signing the same, the first, a notary public in and for the parish and city of New Orleans, the last, parish judge in and for the parish of Concordia; that their signatures are genuine, and that all their official acts as such are entitled to full faith and credit.

Given at New Orleans, under my hand, and the seal of the State, this sixth day of January, one thousand eight hundred and forty-two, and of the independence of the United States the sixty-sixth.

[SEAL.]

(Signed,) A. B. ROMAN.

By the governor,
(Signed,) LEVI PIERCE,
Secretary of State.

And on the ninth day of March, A. D. 1846, the plaintiffs by their counsel filed the following affidavit in the clerk's office, to wit, (marked L):

THOMAS CURRY AND R. GARLAND
vs.
THE UNITED STATES.

District court of the United States, holding sessions in and for the district of Louisiana.

Personally appeared before me, the undersigned authority, Louis Bringier, residing in this city, who being sworn, says, that he has not in his power, possession, or custody, the grant or order of survey in plaintiff's petition mentioned; that it was, to the best of his knowledge and belief, given by the Baron de Carondelet, governor of the province of Louisiana, in the early part of the year 1796, for forty thousand arpents of land, in favor of affiant, he then being a minor, assisted by his father Marius Bringier.

That the consideration of said grant, or order of survey, was the services of affiant's father, rendered the Spanish government in said province, in furnishing and keeping horses for carrying expresses whenever called upon by the authorities. That affiant has made search for this grant, or order of survey, in all places where he thought it was probably or likely to be found, but without success; that he has no knowledge of its existence, or, if existing, where it may be found; that he has searched amongst his own papers, and also those of his father, and amongst the Spanish papers purchased by the State from the Spanish officers, and also amongst the Spanish papers of the late Carlos Trudeau, now in the hands of Mr. Bigot, but without success.

Signed, LS. BRINGIER.

Sworn to and subscribed before me, this 9th of March, 1846.

Signed, L. E. SIMONDS,
D'y Clerk.

And on the ninth day of March, A. D. 1847, the plaintiffs filed the following affidavit in the clerk's office, to wit, (marked K):

THOMAS CURRY and R. GARLAND
vs.
The United States of America.

On trial.

Personally appeared before the undersigned authority, Thomas Curry, who deposes and says, that he has never had in his possession, or has he ever seen, the order of survey mentioned in this suit, and has reason to believe that Rice Garland never had or saw it, having frequently conferred with him about the absence and loss of this paper. When this affiant and R. Garland purchased this claim from Louis Bringier, the grantee, he informed *in* that the order of survey was lost or mislaid, and he did not have it in his possession, nor did he know

where it could be found. Affiant has caused every search and inquiry to be made for this order of survey, among the papers of the late Carlos Trudeau, in possession of his heirs, and among the papers purchased by the State from the heirs of Trudeau, and now in possession of L. Bringier, as surveyor general of the State, but all his searches and inquiries have been in vain.

Signed, THO. CURRY.

Sworn to and subscribed before me, this 9th of March, 1846.

Signed, L. E. SIMONDS, *D'y Clerk.*

And on the ninth day of March, A. D. 1846, the testimony of T. F. Bigot, witness for petitioners, was taken in writing by the clerk in open court, and the same was offered in evidence, and filed, to wit:

United States district court, district of Louisiana.

CURRY & GARLAND vs. The United States. } No. 1.

MONDAY, *March 9th*, 1846.

Present, Hon. T. H. McCaleb.

T. F. Bigot, being duly sworn on behalf of petitioners in open court, deposes:

That he married the granddaughter of Carlos Trudeau; he has in his possession many documents which belonged to Mr. Trudeau, and have been confided to witness by his mother-in-law; he assisted Mr. Bringier in searching for certain papers, and a grant and an order of survey in this case; he again yesterday showed Mr. Bringier all the papers he has, and nothing was found; he does not know whether they were the whole of the papers in the possession of Mr. Trudeau; when the Legislature bought the papers of Mr. Trudeau, at the sale of his estate, the papers which witness now has were left with Mrs. Trudeau by the commissaries as papers relating to her. The papers which were bought by the State, witness learned from Mr. Bringier, are in his (Bringier's) possession, and Mr. Bringier has a list of them. Mr. Bringier is the present surveyor general of the State.

Cross examination.

Witness made the search above mentioned at the request of Louis Bringier, who called on witness for that purpose, yesterday. Mr. Bringier said the papers he wanted related to lands he had sold. Mr. Bringier did not state exactly what the papers were; he (Mr. Bringier) did not tell witness whether or not the paper sought ever did exist.

And on the ninth day of March, A. D. 1846, the petitioners, by their counsel, offered in evidence a certain document, marked B B, purporting to be "an original plot of survey, made by Trudeau," to the reception of which document the following admissions and objections were made by the parties, to wit:

The original plot of survey, marked B B, and translation thereof.

(Counsel for petitioners admit that the signatures of Trudeau to document B B, and to the copy marked C, annexed to the deposition of Thomas Gilpin, are genuine.

The district attorney objects to the reception of document B B, on the ground—

1st. That an actual survey is set forth in the petition, but document B B is only a figurative plan.

2d. Because it is not the same instrument annexed to petition, and relied on.

3d. Because another plot of survey, of the same date and import, admitted to be over the signature of Trudeau, the same man, has been shown to be antedated.

4th. Because the document B B is not the one which was submitted to the land office.

And on the ninth day of March, A. D. 1846, the following document, marked "BB," was offered in evidence and filed, to wit:

Luisiana, año 1796, puesto de Ouachitta.

[For map No. 10, see original.]

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c.,

Certifico y declaro, que fue verificado, á favor y en presencia de Don Luis Bringier, y con asistencia de Don Marius Bringier, (padre del interesado,) un terreno [de] quarenta mil arpanes planos, medida de la ciudad de Paris, segun medida agraria en esta provincia, cuyo terreno situado en el puesto del Ouachitta, sobre el margen oriental y en frente del Rio Negro, lindado á la parte del norte parte con la orilla del Bayu Tensa y parte con tierra vacante, á la parte del oest con la orilla del antedo. Rio Negro, y á los demas lados con tierras vacantes y del dominio de S. M.; el todo demuestrado mas ampliamente en el plano qe. precede, en aquel van anotadas las dimensiones y rumbos de los limites en perchas lineales, los arboles y mojs., y demas confines naturales y artificiales, &c. El apeo se pratico á pedimento del interesado, y en virtud de orden del Señor Governador General el Señor Baron de Carondelet. De todo lo que doy fe, y para que sirves donde convenga, doy la presente, con el plano figurativo que antecede, á quatro del mes de Setiembre, de mil setecientos noventa y seis años.

(Signed) CARLOS TRUDEAU, *Ag. Rel.*

Copia referada, á fin que queda archivada en la oficina de agrim'r gen'l.

(Signed) CARLOS TRUDEAU.

I, John Ward Gurley, register of the land office in the eastern district of the territory of Orleans, do certify, to all persons whom it may

concern, that the above named Carlos Trudeau, as appears by the archives in my office, which were delivered by the Spanish government to the American, was, during the year 1796, and long before that period, down to the time of the delivery of the possession of Louisiana to the United States, surveyor general of the province of Louisiana under the goverment of Spain; and that his acts in that capacity are to be considered as authentic.

(Signed) J. W. GURLEY.

LAND OFFICE, *New Orleans, 3d January*, 1808.

By William C. C. Claiborne, governor of the Territory of Orleans.

I do certify, that J. W. Gurley, whose name is above signed, is register of the land office, in the eastern district of the Territory of Orleans.

Given under my hand and the seal of [the] Territory of Orleans, this 3d day of January, 1808, and in the 32 year of the independence of the United States.

[SEAL.]

(Signed) WILLIAM C. C. CLAIBORNE.

And on the ninth day of March, 1846, the translation of document marked "BB" was admitted in evidence and filed, to wit:

Don Carlos Trudeau, royal and special surveyor of the province of Louisiana, &c., &c.

I certify and declare, that there was verified, in favor of and in presence of Don Luis Bringier, and of Don Marius Bringier, (father of the interested party,) a tract of land of forty thousand superficial arpents, by measurement of the city of Paris, in conformity with the agrarian custom of this province, which tract is situated in the post of Ouachitta, on the east bank and fronting on Black river, bounded on the north partly by the banks of Bayou Tensa and partly by vacant lands, on the west by the banks of the aforesaid Black river, and on the other sides by vacant lands of the domains of his Majesty; all which are more fully demonstrated in the plan which precedes, in which are noted the dimensions and directions of the boundaries in lineal perches, the trees and landmarks, and other natural and artificial limits, &c. This survey was made at the request of the party interested, and in virtue of an order from his excellency the governor general Baron de Carondelet. All which I certify, and, that it may serve whenever required, I grant the present certificate, with the figurative plan which precedes, on the fourth day of September, seventeen hundred and ninety-six.

(Signed) CARLOS TRUDEAU, *Surveyor Royal.*

Copy retained to be registered in the archives of the office of the surveyor general. CARLOS TRUDEAU.

And on the ninth day of March, A. D. 1846, the testimony of Thomas Gibbes Morgan, witness for petitioners, was taken in writing by the clerk in open court, and the same was offered in evidence, and filed, to wit:

concern, that the above named Carlos Trudeau, as appears by the archives in my office, which were delivered by the Spanish government to the American, was, during the year 1796, and long before that period, down to the time of the delivery of the possession of Louisiana to the United States, surveyor general of the province of Louisiana under the goverment of Spain; and that his acts in that capacity are to be considered as authentic.

(Signed) J. W. GURLEY.

LAND OFFICE, *New Orl ans*, 3*d January*, 1808.

By William C. C. Claiborne, governor of the Territory of Orleans.

I do certify, that J. W. Gurley, whose name is above signed, is register of the land office, in the eastern district of the Territory of Orleans.

Given under my hand and the seal of [the] Territory of Orleans, this 3d day of January, 1808, and in the 32 year of the independence of the United States.

[SEAL.]

(Signed) WILLIAM C. C. CLAIBORNE.

And on the ninth day of March, 1846, the translation of document marked "BB" was admitted in evidence and filed, to wit:

Don Carlos Trudeau, royal and special surveyor of the province of Louisiana, &c., &c.

I certify and declare, that there was verified, in favor of and in presence of Don Luis Bringier, and of Don Marius Bringier, (father of the interested party,) a tract of land of forty thousand superficial arpents, by measurement of the city of Paris, in conformity with the agrarian custom of this province, which tract is situated in the post of Ouachitta, on the east bank and fronting on Black river, bounded on the north partly by the banks of Bayou Tensa and partly by vacant lands, on the west by the banks of the aforesaid Black river, and on the other sides by vacant lands of the domains of his Majesty; all which are more fully demonstrated in the plan which precedes, in which are noted the dimensions and directions of the boundaries in lineal perches, the trees and landmarks, and other natural and artificial limits, &c. This survey was made at the request of the party interested, and in virtue of an order from his excellency the governor general Baron de Carondelet. All which I certify, and, that it may serve whenever required, I grant the present certificate, with the figurative plan which precedes, on the fourth day of September, seventeen hundred and ninety-six.

(Signed) CARLOS TRUDEAU, *Surveyor Royal.*

Copy retained to be registered in the archives of the office of the surveyor general. CARLOS TRUDEAU.

And on the ninth day of March, A. D. 1846, the testimony of Thomas Gibbes Morgan, witness for petitioners, was taken in writing by the clerk in open court, and the same was offered in evidence, and filed, to wit:

Thomas Gibbes Morgan, being duly sworn on behalf of petitioners, deposes: That he has been a practising lawyer in Louisiana since 1822, and, in course of professional pursuits, and as a district judge, he has had frequent occasions and opportunities to examine papers purporting to be signed by Carlos Trudeau, surveyor of the province of Louisiana, and which were received by the courts as genuine documents. Had in his possession for some months numerous papers, (commonly called "Pintado papers,") many of which purported to bear the official signature of Carlos Trudeau. From his knowledge of the signature of C. Trudeau, so obtained, he would not hesitate in saying that the signature of Carlos Trudeau to Doc. BB, now shown witness is genuine. Witness has seen hundreds of documents similar to Doc. BB, (as regards the texture and appearance of the paper,) which were admitted to be genuine. Said documents, so seen by witness, were signed by Governors Miro and Carondelet, and by Morales and Gayoso de Lemos. All the Spanish patents witness has ever seen (except two) were on such paper as Doc. BB.

Cross examined by the U. S. district attorney.

Witness never heard it suggested that Carlos Trudeau was in the habit of issuing, subsequently to the change of government, copies of original documents in his possession, in such form as to purport to have been issued previously to the change of government, that is, in the form of Doc. BB.

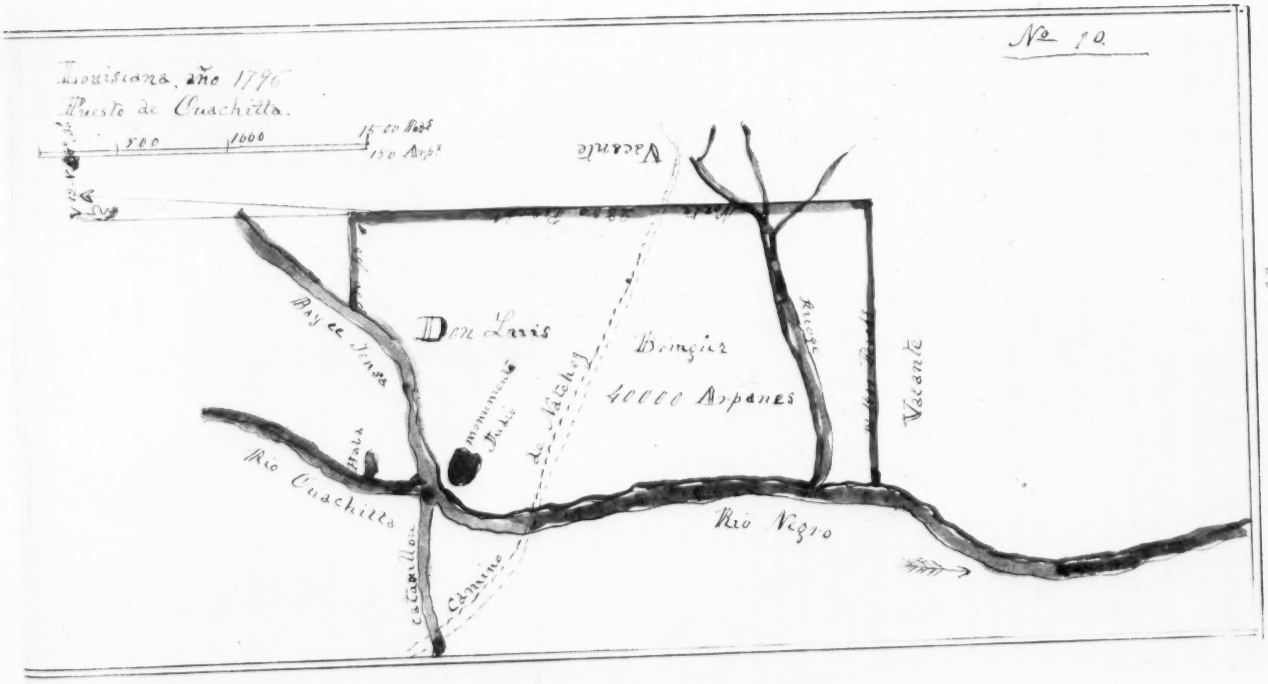
And on the ninth day of March, 1846, the following document, marked "D," was offered in evidence by the petitioners and filed, to wit:

Luisiana, año 1796, puesto de Ouachitta.

[For map No. 10, see original.]

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &a.

Certifico y declaro, que fue verificado, á favor y en presencia de Dn. Luis Bringier, y con asistencia de Dn. Marius Bringier, (padre del interesado,) un terreno de quarenta mil arpanes planos, medida de la ciudad de Paris, segun medida agraria en esta provincia, cuio terreno situado en el puesto del Ouachita, sobre el margen oriental y en frente del Rio Negro, lindando á la parte del norte parte con la orilla del Bayu Tensa y parte con tierra vacante, á la parte del oeste con la orilla del antedicho Rio Negro, y á los demas lados con tierras vacantes y del dominio de S. M.; el todo demostrado mas amplemente en el plano que precede, en aquel van anotados las dimensiones y rumbos de los limites en perchas lineales, los arboles y mojones, y demas confines naturales y artificiales, &c. El apeo se practico á pedimento del interesado y en virtud de orden del Señor Gobernador General el Señor Baron de Carondelet.


Nº 10
Louisiana, año 1796
Puesto de Cuachitta.
500
1000
15 00 Pass
150 Arpts
Vacante
Don Louis
Bringier
40000 Arpanes
Bayou de Jansa
Rio Cuachitta
Rio Negro
Vacante

De todo lo que doy fe, y para que serve donde convenga, doy la presente, con el plano figurativo que antecede, á quatro del mes de Septiembre, de mil setecientos noventa y seis años.

CARLOS TRUDEAU, *Agrimensor General.*

Copia reservada, á fin que queda archivada en la oficina de agrimensor general. CARLOS TRUDEAU.

Traduccion.

En consequencia del decreto del señor vice consul de S. M. C., Dn. José Vidal, fecha tres del corriente, yo, Dn. Joaquin Lozano y Vaughan, teniente de las milicias é interprete, del condado de Orleans, nombrado por el Gobierno, hice la traduccion de unas certificaciones, baxo el No. 10, y es como sigue:

Certificacion.

Yo, Juan Ward Gurley, tenedor del oficio de tierras en el distrito del este del territorio de Orleans, certifico por el presente, á todas las personas que pueda concernir, que el supradicho Carlos Trudeau, segun aparece por los archivos de mi oficio, que fueron entregados por el Gobierno Español al Americano, era, durante el año de mil setecientos noventa y seis, y mucho antes, hasta la entrega de la Luisiana á los Estados Unidos de America, agrimensor por la España, y que todos sus documentos en tal calidad deben considerarse autenticos.

Oficio de Tierras, Nueva Orleans, tres de Enero, mil ocho cientos y ocho. J. W. GURLEY.

Otred.

Guillermo C. C. Claiborne, Gobernador del Territorio de Orleans.

Certifico que J. W. Gurley, cuyo nombre se halla arriba firmado, es el tenedor de tierras en el distrito del este del Territorio de Orleans.

Dado baxo mi puño y el sello del Territorio, en la nueva Orleans, hoy, tres de Enero, mil ochocientos y ocho, y el treinta y dos de la independencia de los Estados Unidos.

[SELLO.]

GUILLERMO C. C. CLAIBORNE.

Cuya traduccion certifico ser fiel y leyal de su original que rubriqui. Nueva Orleans, quatro de Enero, de mil ochocientos y ocho.

JOAQ'N LOZANO.

Dn. José Vidal, capitan de caballeria, con comision para el despacho de asuntos del Gobierno Español en esta ciudad.

Certifico, que la copia que antecede es conforme á su original que queda en el archivo de esta comision de mi cargo, á que me remito; y á pedimento de parte, doy la presente en la Nueva Orleans, á diez y ocho de Enero, de mil ochocientos y ocho.

(Signed) J'H VIDAL.

And on the ninth day of March, A. D. 1816, the following transla-

tion of document marked "D" was offered in evidence by the petitioners and filed, to wit:

Don Carlos Trudeau, surveyor royal and special of the province of Louisiana.

I certify and declare, that there was surveyed, in favor and in presence of Don Luis Bringier, and Don Marius Bringier, (father of the interested party,) a tract of land of forty thousand superficial arpents, (by measurement of the city of Paris, in conformity with the agrarian measurement of this province,) which tract is situated in the post of Ouachita, upon the east bank and fronting Black river, bounded on the north partly by the banks of Bayou Tensas and partly by vacant lands, on the western side by the banks of said named Black river, and on the other [sides] by vacant lands of the domains of his Majesty; all which are more fully demonstrated in the plan which precedes, in which plan are noted the dimensions and directions of those boundaries in lineal perches, the trees and landmarks, and other artificial and natural limits. This survey was made at the request of the party interested and in virtue of an order from his excellency the governor general, Baron de Carondelet. All which I certify, and that it may serve whenever required, I grant the present, with the figurative plan which precedes, on the 4th day of the month of September, 1796.

(Signed) CARLOS TRUDEAU, *Surveyor Royal.*

Copy retained to be requestred in the archives of the surveyor general.

CARLOS TRUDEAU.

Translation.

In consequence of the decree of his excellency the vice consul of his Catholic majesty Don Jose Vidal, dated the 3d instant, I, Don Joaquin Lozana y Vaughan, lieutenant of militia and interpreter of the county of Orleans, appointed by the government, have made the translation of several certificates bearing No. 10, which are as follows:

Certificate. I, Juan Ward Gurley, register of lands for the eastern district of the territory of Orleans, certify, by these presents, to all persons whom it may concern, that the above named Carlos Trudeau, as appears by the archives of my office, which were ceded by the Spanish government to the American Government, was, during the year 1796, and long before the cession of Louisiana to the United States of America, surveyor of Spain, and that all his acts as such should be considered authentic.

J. W. GURLEY.

Office of land, New Orleans, 3d January, 1808.

Another. Guillermo C. C. Claiborne, governor of the territory of Orleans: I certify that J. W. Gurley, whose name is here above signed, is the register of lands for the eastern district of the territory of Orleans.

Given under my hand and the seal of the territory, in New Orleans, this day, 3d January, 1808, and the 32d of the independence of these United States.

Signed, GUILLERMO C. C. CLAIBORNE.

Which translations I certify to be true and correct from the originals, to which I have appended the usual flourish of my signature.

New Orleans, 4th January, 1808.

Signed, JOAQUIN LOZANA.

Don Jose Vidal, captain of cavalry, commissioned to regulate the business of the Spanish government in this city:

I hereby certify that the copy which precedes agrees with its original remaining in the archives of this office under my charge, to which I refer, and at the request of the party I grant these presents, in New Orleans, on the 18th of January, 1808.

(Signed) JOSE VIDAL.

And on the ninth day of March, 1846, the testimony of L. C. Duncan, taken in writing by N. R. Jennings, U. S. commissioner, was offered in evidence by the petitioners, and filed, to wit:

L. C. Duncan, witness for the plaintiffs, being sworn, states that he was well acquainted with Don Jose Vidal during his lifetime; that he died in this city in the year 1828 or 1829; that witness was his executor; that he has seen him write frequently; that he is as well acquainted with his handwriting almost as his own, and recognises the signature of Jh. Vidal attached to document D, filed in the case on the 3d instant, to be the handwriting of the said Vidal. Witness has always understood that Vidal was the commandant of the post of Concordia under the government of Spain; that he has heard Vidal himself say so, besides its being a matter of public notoriety.

Cross examined by the D. attorney.

States that it was not within his knowledge that Vidal performed any acts in his capacity of commandant, inasmuch as he, witness, was then an infant.

(Signed) L. C. DUNCAN.

And on the ninth day of March, A. D. 1846, a document, marked E, was offered in evidence by the plaintiffs, to the admission of which document the following objections were made by the district attorney, to wit:

The U. S. district attorney objected to the reception of doc. E on the ground that it is merely a private survey, and that the capacity of the surveyor is not duly established. The court overruled the exception, and received the document for what it purports to be.

[For map, see original, marked E.]

To the foregoing plan the following notes are attached, to wit, (marked E:)

At the request of the claimants, Rice Garland and Thomas Curry, esqrs., I have surveyed a tract of land in the parish of Concordia,

situated on the left banks of bayou Tensas and Black river, the same being acquired by Louis Bringier, esq., from the Spanish government, as per plat of survey of forty thousand arpents, bearing date September 4, 1796, and signed by Don Carlos Trudeau, the then surveyor general of the province of Louisiana, purporting to be located under an order of his lordship the governor general, the Baron de Carondelet. In accordance with this document I have made the survey, beginning at the point on the bayou Tensas, as nearly corresponding with the description given in the aforesaid plat of Don Carlos Trudeau as could be ascertained; the trees marked for corners not being found. On the east bank in section No. 36, in township 8 north, range 7 east, where I marked for the upper front corner a willow, 24 in. dia., on the north side S. 36 and on the south $\frac{\text{R. G.}}{\text{T. C.}}$; from whence a water elm, 10 in. dia., bears N. 75 E., 17 lks.; hickory 8 in. dia., S. 25 E., 94 lks. Note.—All trees herein named for reference are marked as above with the appropriate sectional number, and the initials $\frac{\text{R. G.}}{\text{T. C.}}$ on the respective sides of the claim.

Thence east 73.62 chains, through cane, and intersected the range line between range 7 and 8 east, 40.00 chains north of the S. E. corner of T. 8 N., R. 7 E., and set post, no trees; 113.50 chains and marked an ash 15 in. dia. for the N. east corner of the claim, in sec. 31, in T. 8 N., R. 8 E., whence a Spanish oak, 30 in. dia., N. 56 E., 36 lks.; hackberry, 14 in. dia., N. 30 W., 44 lks.; hickory, 24 in. dia., S. 79 W., 61 links.

Thence, south 31.00 chains to cyprus brake, bears N. E. and S. W. 40.00 chs., intersected the tp. line 40.00 chs. east of the N. E. corner of T. 7 N., R. 7 E., and set post, whence a willow 12 in. dia., N. 78 W., 30 lks. previt 12 in. dia., S. 73 E., 12 lks. previt 6 in. dia., N. 75 E., 36 links, 45.00 chs.; leave cypress brake, and enter cane and briers, 63.00 chs. to low swamp mixed with cypress; 68.70 chs. to lake, bears N. E. and S. W. 76.50 chains, ⋈ lake and enter cane, 86.00 chs. to low swamp 121.00 chs.; intersect the section line 40.00 chs. east of the 5th mile corner and set post, whence a previt 4 in. dia., S. 80 W. 20 lks., previt 4 in. dia., S. 49 E. 80 lks., S. hickory 12 in. dia., N. 28 E. 23 lks., 131.00 chs. to Brushy bayou, 100 lks. wide; runs west 138 chs. to road, 201.00 chs., intersect the section line 40.00 chs. east of the 4th mile corner, and set post, whence a sweet gum 30 in. dia., N. 58 W. 41 lks., S. gum 28 in dia., S. 63 E. 100 lks., S. gum 36 in. dia., N. 25 E. 80 lks., last mile chiefly cane, 208.00 chs. to lagoon, 2.00 chs. wide, bears S. E. and N. N. W. 237.50 chs. to Ott's bayou, 1.00 ch. wide; runs S. W. into Blake lake 281.10 chs.; intersect the section line 40.00 chs. east of the 3d mile corner and set post, whence an ash 1 in. dia. bears S. 20 W. 130 lks., land cane, 360.80 chs., intersect the section line 40.00 chs. east of the 2nd mile corner and set post, whence a s. gum 24 in. dia., N. 1 W. fifty links, no other trees, 2nd rate cane land, 369.50 chs. to Boggy bayou, 1.00 chs. wide;

runs east 399.50 to the old Natchez trace, 400.00 chs. to the F lat bayou, 50 lks. wide, bears E. and W. 441.10 chs., intersect the section line 40.00 chs. east of the 1st mile corner, and marked red elm 14 in. dia. for the corner, cane land and good; 521.00 chs., intersect the tp. line 40.00 east of the S. E. corner of T. 7 N., R. 7. E., and set post, whence a pin oak 6 in. dia., S. 63 W. 19 lks., previt 4 in. dia., N. 41 E. 20 lks., overcup oak 12 in dia., S. 76 E. 36 links, broken palmetto land, 596.30 chs., intersect the section line 40.20 chs. east of the 5th mile corner of township 6 N., range 7 E., and marked pin oak 10 in. dia. for the corner in the edge of cane; last 10 chs. cane, balance low broken swamp, 676.80 chs., intersect the section line 40.20 chs. east of the 4th mile corner, and marked a persimmon 10 in. dia. for the corner, land low and grassy; 686.80 chs. to the Cross bayou or Cocodrie bayou, and marked overcup oak for corner, 691.80 chs., ⋈ bayou, and set post, whence pin oak 30 in. dia., N. 80 W., 20 lks., ash 12 in. dia., S. 80 E., 40 lks., 756.80 chs., intersect the section line 40.20 chs. east of the 3d mile corner, and marked hackberry for the corner, land low and grassy; 814.52 chs. or 2,800 poles French, set post for the S. E. corner of the claim; whence a s. hickory 18 in. dia., N. 50 W. 34 lks., overcup oak 12 in dia., S. 25 E. 54 lks., land low and grassy. Hence west 40.20 chs., intersect the range line, and set post 22.30 chs. north of the 2d mile corner, whence s. hickory 18 in. dia., N. 23 E., 7 links, scrub oak, S. 76 E., 14 lks., hackberry 24 in. dia., S. 66 W. 53 lks., 110.50 chs. to Cocodrie lake. and set post, whence honey locust 12 in dia., N. 15 W., 17 lks., overcup oak 20 in dia., S. 15 E., 5 lks., land good on the margin of the lake; 161.00 chs., ⋈ the lake, and marked s. hickory 18 in dia. for the corner; 190.60 chs. to Cocodrie bayou, and marked a willow 18 in dia. for the corner, land on the island broken; 193.60 chs., set post on the opposite side of the bayou, whence a water elm 8 in. dia., N. 76 W., 12 lks., previt 4 in. dia., S. 70 W., 18 links, 199.70 chs., intersect the section line 22.40 chs. north of the corner of sections 22, 23, 26, and 27, and marked a hackberry 30 in. dia. for the corner, in low swamp; 479.50 chs., intersect the section line 22.30 chs. north of the corner of sections 21, 22, 27, and 28, and marked s. gum 30 in. dia. for the corner, land second rate and broken; 359.40 chs., intersect the section line 22.50 chs. north of the corner of sections 20, 21, 28, and 29, and set post, whence a maple 30 in dia., N. 80 W., 5 lks., in cane, no other trees, land cane and palmetto; 439.40 chs., intersect the section line 22.35 chs. north of the corner of sections 19, 20, 29, and 30, and set post, land as last noted; 519.20 chs. and set post on Black river for the lower front corner of the claim, and on the range line between ranges 6 and 7 E., 22.40 chs. north of the 2d mile corner, whence a honey locust 18 in. dia. N. 60 W. 20 lks., previously marked for corner on the range line; honey locust 30 in dia., S. 89 E., 75 lks.

Thence on, traverse up the left bank of Black river, north 20.50 chs. to the post on the range line, N. 10 E. 21.60 chs., N. 89 E. 20.00 chs., N. 50 E. 13.70 chs., N. 62 E. 20.00 chs., N. 60 E. 21.00 chs.,

N. 52 E. 22.00 chs , N. 44 E. 15.00 chs., N. 41 E. 13.00 chs., N. 37 E. 14.00 chs., N. 30 E. 7.40 chs., N. 24 E. 9.80 chs., N. 21 E. 16.00 chs., N. 19 E. 25.00 chs., N. 11 E. 12.00 chs., N. 15 E. 16.00 chs., N. 6 E. 5.00 chs., N. 7 E. 7.00 chs., N. 1 W. 7 chs., N. 8. W. 7.00 chs., to Ross bayou, 2.00 chains wide; N. 13 W. 14.00 chs., N. 29 W. 21.00 chs., N. 32 W. 10.00 chs., N. 35 W. 21.00 chs., to the post on the north boundary of township 6 north, range 7 east, 104.50 chains east of the corner of townships 6 and 7, ranges 6 and 7, east. Thence N. 40 W. 16.00 chs., N. 50 W. 12.00 chs.. N. 37 W. 8.20 chs., N. 48 W. 46.00 chs., N. 53 W. 37.75 chs., N. 57 W. 18.50 chs., to post on the range line 90.17 chs. north of the corner of the township. Thence, N. 53 W. 11.00 chs., N. 60 W. 13.00 chs., N. 65 W. 14 chs., N. 56 W. 8.00 chs., N. 50 W. 11.00 chs., N. 43 W. 14.00 chs., N. 38 W. 37.00 chs., N. 34 W. 29.50 chs., N. 12 W. 14.00 chs., N. 5 W. 42.00 chs., N. 27.50 chs., N. 3 W. 39.00 chs., N. 25 E. 15.00 chs., N. 13 E. 20.00 chs., N. 12 E. 21.00 chs., N. 35 E. 17.10 chs., N. 9 E. 15.00 chs., N. 38 E. 14.00 chs., N. 10 E. 22.00 chs., N. 30 E. 10.00 chs., N. 16 E. 8.12 chs., to the post on the lower front corner of the claim confirmed to John Henry, cer. B, 1,755. Thence, in front of said claim, N. 25 E. 45.00 chs., intersect the township line 42.00 chs. west of the corner of townships 7 and 8 north, ranges 6 and 7 E. Thence, N. 40 E., 41.66 chs., to the upper front corner of the claim of John Henry. Thence, N. 37 E., 25.20 chs., to the range line 52 chains north of the corner of townships 7 and 8 north, ranges 6 and 7 E. Thence, N. 56 E. 12.00 chs., N. 45 E. 6.00 chs., N. 54 E. 10.00 chs., N. 56 E. 10.00 chs., N. 64 E. 9.00 chs., N. 60 E. 5.00 chs., N. 57 E. 8.00 chs., N. 52 E. 14.00 chs., N. 57 E. 15.00 chs., N. 52 E. 8 chs., N. 87 E. 5.00 chs., N. 51 E. 12.00 chs., N. 67 E. 18.00 chs., N. 46 E. 22.00 chs., N. 64 E. 11.00 chs., S. 84 E. 11.00 chs., S. 75 E. 13.00 chs., E. 50 links, S. 76 E. 4.00 chs., S. 43 E 8.00 chs., S. 37 E. 11.00 chs., S. 30 E. 12.00 chs., S. 25 E. 15.00 chs., S. 24 E. 19.00 chs., S. 8 E. 11.00 chs., S. 19.00 E. 20.00 chs., S. 8 E. 13.00 chs., S. 21 E. 28.00 chs., S. 20 E. 9.00 chs., S. 32 E. 3.50 chs., to the township line 221.00 chs. E. of the corner of townships 7 and 8 north, ranges 6 and 7 east. Thence, S. 20 E. 4.50 chs., S. 38 E. 6.00 chs., S. 16 E. 10.00 chs., S. 63 E. 14.30 chs., S. 55 E. 13.00 chs., to the mouth of a bayou; S. 16 E. 2.00 chs., ⋈ the same, S. 62 E. 13.00 chs., S. 68 E. 14.00 chs., S. 77 E. 12 chs., S. 87 E. 10 chs., N. 65 E. 4.00 chs., N. 79 E. 17.00 chs., N. 72 E. 19.10 chs., N. 41 E. 8 chs., N. 28 E. 14.00 chs., N. 51 E. 10.00 chs., N. 38 E. 5.00 chs., N. 32 E. 5.00 chs., to Brushy bayou; N. 10 E. 6.00 chs.; 2 first chains ⋈ the bayou, intersect the township line 116.75 chains west of the corner of townships 7 and 8 N., ranges 7 and 8 E. Thence, N. 47 E. 49.15 chs., N. 45 E. 10.00 chs., to the upper front corner of the claim and place of beginning.

The whole being sections No. in township six north, ranges 7 and 8 E.; and sections No. in township 7 north, ranges 6, 7, and

8 east; and sections No. in township 8 north, ranges 6, 7, and 8 east, in the district north of Red river, Louisiana, and contains forty-two thousand six hundred and sixty American acres, or fifty thousand four hundred and eight and $\frac{8}{100}$ arpents French; and *as* such form and mark, natural and artificial, as are represented in the above plat and description.

(Signed) G. B. STEWART,
Dep'y Surveyor.

PARISH OF CONCORDIA, LA., *November 10th*, 1841.

Note.—The claim of Jno. Henry is included in the area given above.
G. B. S.

And on the ninth day of March, 1846, the testimony of Antoine Cruzat and Richard Relf, taken in writing by N. R. Jennings, United States commissioner, was offered in evidence by the petitioners and filed, to wit:

Antoine Cruzat, witness for the plaintiffs, being duly sworn, states, that he is about seventy years of age; that his occupation now is parish treasurer for the parish of Orleans. Witness was born in Saint Louis, Missouri; that he came to the city of New Orleans at the age of twelve years, and that he has never left it. Witness was acquainted with Don Carlos Trudeau; that he knew him when he, witness, was very young, at the age of fourteen or fifteen years. Witness knew him in his character as a private man and as a public officer. He was an upright, honest man, and one who fully deserved the confidence of the government, and esteemed very highly by every one.

Witness knew that he was surveyor general of the province of Louisiana under the Spanish government; that he acted for a great many years in the capacity of surveyor general, but that he does not know at what time he came into office, or at what time he left it. Trudeau is now dead, but witness has no recollection of the time when he died. Witness' impression is, that he died on his own plantation, which since has been the residence of Notty, about five miles below the city.

Witness is acquainted with the handwriting of Trudeau; that he has seen him several times sign his name at the Government house, and also write.

Witness being shewn the document marked B B, states that the writing therein, other than the plat, is in the handwriting of Trudeau. That the handwriting of the plat was always different from the handwriting below; the signature to the document is that of Trudeau. Witness states that he was employed in one of the public offices under the Spanish government.

That he was an officer in the Louisiana regiment, and in that capacity he was also employed in the office of Andreas Lopez Armesto, secretary of government, during the administration of Carondelet, Gayoso, and Salcedo; that he was employed in these offices from the year 1794 to the cession of Louisiana. That his situation enabled him to

be well acquainted with the form and manner of making grants by the Spanish government.

Witness states that when he, witness, went into the office of Armesto, Trudeau was then the surveyor general of the province, and continued in that capacity until the cession.

Witness being shewn the document marked C, recognises it to be the handwriting of Trudeau; the signature to the document also to be Trudeau's, and the same difference in the handwriting of the plat as in the document B B, above referred to.

Witness being shewn the document marked D, recognises it [and] the signature thereto to be that of Vidal, who was the secretary of the Spanish government, at Natchez; and that at the time of the date contained in said document.

The district attorney being present, here reserves all legal exceptions as to matter, but not form.

(Signed) A. CRUZAT.

Testimony of Richard Relf.

Richard Relf, witness for the plaintiffs, being duly sworn, states that he is 67 years of age, and that he is cashier of the Louisiana State Bank; witness has resided in the city of New Orleans since the year 1791. That he is acquainted with Don Carlos Trudeau, and became acquainted with him soon after his arrival in the country.

That he knew him well as a man and as a public officer, and that he was esteemed in the community as one of its cleverest men; that no man was more highly respected, and that he was held in equal estimation as a public officer.

Trudeau was surveyor general of the province of Louisiana under the Spanish government, and acted in that capacity up to the time of the change of government in the year 1803. Trudeau is now dead, but does not recollect when he died; he died at his plantation below the city.

Witness [is] acquainted with the handwriting and signature of Trudeau, and being shewn the document marked BB, recognises the whole of said document to be in the handwriting of Trudeau, plan included, there being in the plan only a difference in the formation of the letters. The signature to the document is Trudeau's signature. From the knowledge of the character and reputation of Trudeau, as a man and an officer, witness does not believe that he would fabricate, forge, falsify, or antedate any act or official paper. Witness states that Carlos Trudeau was generally called Laveau. Witness being shewn document marked C, recognises that to be in the handwriting of Trudeu, and the signature thereto also his. The plan is in the handwriting of Trudeau. Witness states that he knew Don Marius Bringier, the father of Louis Bringier, and that he knew them both to be residents of Louisiana in 1796.

(Signed) RICHARD RELF.

All legal exceptions, except as to the mode of taking the depositions of Mr. Cruzat and Mr. Relf are reserved, particularly exceptions are reserved as to the admissibility of such part of the depositions as are intended to establish the character of Trudeau.

(Signed) S. W. DOWNS, *U. S. att'y.*
Per E. WARREN MOISE.

And on the ninth day of March, 1846, the testimony of B. P. Voorhies, taken in writing by N. R. Jennings, U. S. commissioner, was offered in evidence and filed, to wit:

Bennett P. Voorhies, witness for the plaintiffs, being duly sworn states, that he is acquainted with the handwriting of George B. Stewart, having seen him write frequently before his death, and observed his official signature to many of his acts; and being shewn document marked (F), he recognises the signature of George B. Stewart to that instrument to be the handwriting of the said Stewart. That witness was in the habit of transacting a good deal of business in the land office at Opelousas, in this State, where the said George B. Stewart was acting in the capacity of the United States deputy surveyor; that witness saw many of his acts in that capacity.

(Signed) B. P. VOORHIES.

The U. States, by their attorneys, Balie Peyton, esq., here reserves all legal objections to the testimony of B. P. Voorhies, as above.

And on the ninth day of March, 1846, the testimony of Albert G. Phelps, taken in writing by N. R. Jennings, U. S. commissioner, was offered in evidence and filed, to wit:

Albert G. Phelps, witness for the plaintiffs, being sworn, states that he his acquainted with the handwriting of George B. Stewart, having seen him write, and having received several letters from him. He knew him as deputy United States surveyor at Opelousas; that he has seen him act in the capacity as aforesaid. Witness being shewn the document marked E and filed, and the signature affixed thereto, says, that to the best of his belief it is the handwriting and proper signature of George B. Stewart. He has heard that George B. Stewart is dead, having seen it announced in the newspapers, and hearing in Opelousas of his death. Witness thinks that he died some time in the summer of 1842.

(Signed) ALBERT G. PHELPS.

The district attorney being present at the taking of the above evidence, reserves all legal objections thereto.

(Signed) N. R. JENNINGS, *Com'r.*

And on the ninth day of March, 1846, a certain document, marked G, containing several letters, was offered in evidence by the plaintiffs and filed, to wit:

Letter marked D.

LAND OFFICE AT OUACHITA, LA., *March 10th*, 1842.

SIR: On the 17th of last month, the Hon. Rice Garland, in behalf

of himself and the Hon. Thomas Curry, filed a plat of survey of a grant of land in this district, alleged to have been made by the Baron Carondelet, when governor of the province of Louisiana, to one Louis Bringier; Messrs. Garland and Curry claim said tract of land, by purchase, as will more fully appear by the notice or process verbal they filed with said plat, a copy of which we have the honor herewith to transmit for your consideration. We beg leave to inform you that there are a great many pre-emption proofs now on file in this office, claiming rights under several pre-emption laws within the lands claimed by said Garland and Curry, by virtue of said grant. We wish to be instructed in what manner they shall be dealt with, and also in what manner said claim shall be viewed by this office.

We are, &c.,

HENRY O. McENERY, *Register*.
H. HOLMES, *Receiver*.

Hon. E. M. HUNTINGTON, *Com'r, &c., &c.*

A true copy.
(Signed) HENRY O. McENERY, *Register*.

Letter marked C.

GENERAL LAND OFFICE, *March 31st*, 1842.

GENTLEMEN: I have received your letter of the 10th instant, stating that, on the 17th of last month, the honorable Rice Garland, in behalf of himself and the honorable Thomas Curry, filed a plat of survey of a grant of land in this district, (Ouachita,) alleged to have been made by the Baron Carondelet, when Governor of the province of Louisiana, to one Louis Bringier.

You state further, that there are a great many pre-emption proofs now on file in your office, claiming rights under general pre-emption laws within the lands claimed by said Garland and Curry by virtue of said grant, &c., and you desire to be instructed in what manner they shall be dealt with, and also in what manner said claims shall be received by your office.

Before giving you definitive instructions in this case, you will ascertain, and immediately inform this office of the particulars touching the nature of the claim referred to; and,

1st. You will ascertain and advise me whether the claim has been duly filed before any of the boards of commissioners; if so, when, and by what report (giving its date) the claim is embraced, and what number is therein given to it.

2d. If the claim has not been duly filed that fact must be stated, and the original papers produced on which the parties rely to shew the validity of their claim.

3d. The production of the original evidence on which the parties rely to shew the survey or location of the claim in question.

Specific advice on all these points, accompanied by the papers, and any other information on the subject, you are desired to forward to this office; and, on receipt of the same, you shall be further instructed as

to how you are to proceed. In the mean time you can adjudicate the cases of pre-emptions referred to by you; but, in all such cases, you will suspend any final action in the way of permitting entries, of any kind, within the limits of the land alleged to be covered by the said claim.

Very respectfully, your obedient servant,

E. M. HUNTINGTON, *Commiss'r.*

REGISTER AND RECEIVER,
Ouachita, Louisiana.

A true copy.
(Signed) HENRY O. McENERY, *Register.*

Letter marked A.

LAND OFFICE AT OUACHITA, LA.,
April 7th, 1842.

DEAR SIR: During S. D. King, esqr's, (the examiner from the G. L. Office,) recent visit here, and in looking up old documents, we found the original plat of survey of your claim under Bringier, and two letters, (copies of the latter I herewith transmit you.) The certificate to the plat is in Spanish, and I can find no one here that will undertake to copy it. Dr. McGuire has suggested, that perhaps Judge Boyce, who will be here in ten days to hold court, can do it; if so, I will ask the favor of the judge to make the copy, and will forward it to you with a copy of said plat. The plat is dated 1796. Believing you would be pleased to hear of the existence of this document, I hasten to advise you of the fact. You will please write me by one of our boats, or by mail, what further you wish me to do in this matter.

I am, &c., &c. HENRY O. McENERY, *Register.*

Hon. RICE GARLAND, *New Orleans.*

Letter marked B.

LAND OFFICE AT OUACHITA, LA.,
April 28th, 1842.

SIR: Your letter of the 31st ulto. is received, and in reply we have the honor to state, that the claim of Louis Bringier, referred to in our communication of the 10th ulto., was presented at the office of the eastern district, Louisiana, on the 29th December, 1820, for registry; which was refused by the register, as appears from a note made on the plat at the time by the register. It was next forwarded by Bringier to the office at Opelousas; and that also not being the proper office for filing the claim, it was transmitted by Levin Wailes, esq., register, to Daniel J. Sutton, the register of this office, with the letter of Mr. Bringier, as will more fully appear by reference to the letters of Bringer and Wailes, found on file with said plat of survey in this office, and which are transmitted herewith.

There is no record, or any evidence on file, to show when Mr. Sutton received and filed said plat, &c.; they were found in a bundle of papers connected with the claims reported on by Mr. Sutton, 1st January, 1821; nor is there any evidence to shew that Mr. Sutton, or any

board of commissioners, made a report on the claim. It appears it remained dormant until 1837, when a notice appears to have been filed (and recorded) by Philip Canterbury, tutor of the minors Mary, Jane, and Emma Ba[rn]stable, and James Mooney, alleging they were the rightful owners of said claim, that they purchased the right of Bringier at a sheriff's sale, &c.; a copy of this notice we also herewith transmit. The papers filed by Canterbury and Mooney, shewing the right of Bringier, were copies of the claims as referred, on the 15th January, 1816, [to] the Committee of Private Land Claims, and which were certified to by Governor E. D. White. We find the record of those copies corresponds with the plat of survey and certificate attached, that Mr. Wailes transmitted. There is nothing on file in this office, shewing that the register and receiver of this office made any report on said claim under the act of 6th February, 1835. We understand that Mooney is dead; and no further notice appears to have been taken of the claim, until Messrs. Garland and Curry filed their notice to the register and receiver, and a plat of survey, made by George B. Stewart, deputy surveyor, dated November 10th, 1841, which we referred to in our communication of the 10th ultimo. We have no knowledge of any original papers existing, that can be produced by the parties claiming under Bringier, in support of his claim, in addition to the plat, &c., we now transmit you; we have been informed that the claim rests upon that document for its recognition by Congress. The instructions contained in that part of your letter of 31st ulto., in relation to the adjudicating of pre-emption claims, and not permitting entries of any kind within the limits of the land claimed, shall be duly attended to.

We remain, most respectfully, your obedient servants,

HENRY O. McENERY, *Register*.
H. HOLMES, *Receiver*.

Hon. E. M. HUNTINGTON,
Comm'r of the Gen. Land Office, Washington city.

A true copy.
(Signed) H. O. McENERY, *Register*.

Letter marked E.

LAND OFFICE AT OUACHITA, LA.,
January 24th, 1843.

SIR: We respectfully call your attention to our joint letter, dated 28th April last, in reply to one of your predecessor, dated 31st March, 1842, in relation to the claim set up by Messrs. Garland and Curry, (under Bringier.) We were informed by this letter, that we would be further instructed on the receipt of the papers, &c. The pre-emption claimants within the limits of said claim are constantly seeking information from this office, if we have received any further instructions in relation to this claim; and as we have not, and they being most anxious to ascertain their position, and also from the fact of the plats of townships 6 and 7, range 7 east, (which are mostly covered by the claim,)

having been recently placed on the files of this office, we have deemed it necessary to bring the matter to your notice, &c.

We remain, sir, most respectfully, your obedient servants,

HENRY O. McENERY, *Register*.
H. HOLMES, *Receiver*.

Hon. THOS. H. BLAKE,
Comm's Gen. Land Office, Washington city.

A true copy.
(Signed) HENRY O. McENERY, *Register*.

Letter marked F.

GENERAL LAND OFFICE,
February 14th, 1843.

GENTLEMEN: I received to-day your letter of the 24th ultimo, relative to the "claim set up by Messrs. Garland and Curry, (under Bringier)."

The papers connected with the claim referred to, which is unconfirmed, have been referred to the solicitor of this office, in order that an examination may be made into its nature and merits, so that this office may be able to determine what course to pursue in regard to it.

After the reception and examination by me of the report of that officer in the premises, you shall be definitively instructed *instructed* as to the action that should be had by you relative to the lands alleged to be included in the claim in question.

Very respectfully, your ob't servant,
THO. H. BLAKE,
Commissioner.

Register and Receiver, Ouachita, Louisiana.

A true copy.
(Signed) HENRY O. McENERY,
Register.

Letter marked G.

GENERAL LAND OFFICE,
September 5th, 1843.

GENTLEMEN: In regard to the claim of Messrs. Rice Garland and Thomas Curry, under Louis Bringier, you are hereby instructed to consider the suspensive order contained in the instructions to you of the 31st March, 1842, from this office, as still in force, and will withhold from public or private sale all the lands within the limits of the said claim, until at least you receive further directions from this office.

Very respectfully, your ob't servant,
THOS. H. BLAKE,
Commissioner.

Register and Receiver, Ouachita, Louisiana.

A true copy.
(Signed) HENRY O. McENERY,
Register.

Letter marked H.

NEW ORLEANS, *August 10th*, 1837.

Land Office, Monroe, Ouachita, La.

DOCTOR HAMBLIN: Sir—You will be pleased to recollect, I left with you, in February last, my titles and claim to a tract of land, containing 40,000 arpens, to be recorded, and which you promised to send me soon after. I have no doubt but you forgot all about it ever since, and as I stood in no need of it since, till now, I beg you will be so good as to send them to me immediately. As Mr. Preston is about going to Washington city, he will do what he can for me, which, with your report, as you promised me, favorable towards it, I hope to be successful. I would be up myself this month past, but there is no boat; nor do I know when there will [be]. I paid you fifteen dollars at the time, for recording, &c., and if there is any other expenses incurred, I will pay you when I go to Monroe. You will be so good as to send them by the mail. I remain, sir, your very obedient servant,

JAMES MOONEY.

A true copy.
(Signed) HENRY O. McHENRY,
Register.

LAND OFFICE AT OUACHITA, LOUISIANA.

I, Henry O. McEnery, register of the land office at Ouachita, Louisiana, do hereby certify, that shortly after I entered upon the duties of this office, (which was in the fall of the year A. D. 1841,) I was requested by the Hon. Rice Garland to examine the office for the original papers of the Louis Bringier claim, which he stated had been forwarded in the year 1821 or 1822 from the land office at Opelousas to this. I made an examination as requested, which proved unsuccessful. During the visit of Samuel D. King, esq., as examiner of this office, in the months of March and April, 1842, and while engaged in looking up old documents, we found the papers as above referred to, which will be found described in my letter of 7th April, 1842, to said Garland, a copy of which, marked A, is herewith annexed; and again are described in the joint letter of the register and receiver, dated 28th April, 1842, to the commissioner of the General Land Office, a copy of which, marked B, is also herewith annexed. This last named letter is in reply to the letter of the commissioner, dated 31st March, 1842, a copy of which, marked C, will be found herewith annexed. I also annex herewith a copy of register and receiver letter, dated 10th March, 1842, to said commissioner, informing him that the Hon. R. Garland and Hon. Thos. Curry had filed a plat of survey of said claim, &c. The copy of this letter is marked D. Also herewith annexed, marked E, will be found a copy of register and receiver letter of 24th January, 1843, to said commissioner, and his reply thereto, marked F, and dated February 14th, 1843, and a copy of said commissioner's letter of September 5th, 1843, marked G. Also will be found annexed, marked H, a copy of a letter from James Mooney to Doctor Hamblin, the then register of this office, dated August 10th, 1837, by which it appears he

paid for recording his title papers, which he intended should come under the provisions of the act of 6th February, 1835, entitled an act for the final adjustment of claims to lands in the State of Louisiana. The papers referred to by said Mooney have been duly recorded in this office, numbered 72 in the record book, containing the report of the register and receiver of certain claims reported by them under said act of Congress, No. 1 to 71 inclusive, dated July 24th, 1837. Yet there is no evidence to be found on file or of record in this office of any report having been made on said claim under the provisions of said act of Congress; nor is there any evidence to be found, the reason or reasons for the register and receiver not doing so.

In testimony whereof I have hereunto subscribed my name, and affixed my private seal of office, (having no public one,) on this the 20th day of February, A. D. 1845.

(Signed) HENRY O. McENERY, *Register.*

And on the 9th day of March, 1846, the counsel for the petitioners offered in evidence a certain document, marked F, containing letters from Louis Bringier to Levin Wailes, which are in the words and figures following, to wit:

BRINGIER'S, *December 30th*, 1820.

LEVIN WAILES, Esq., *Opelousas:*

SIR: By the very palpable neglect of my agent in New Orleans, to whom I had entrusted the enregistering of the accompanying land claim, I am placed in a most cruel situation. I had requested my said agent to call at the land office, when the papers purchased from Mr. Laveau Trudeau by the State of Louisiana are deposited, for a copy of the survey of my land, and directed him, at least six weeks ago, to have it duly enregistered in the office open for that purpose in New Orleans, as I was totally ignorant of the existence of any other land office in the State. It appears that my agent neglected this very essential point until the 29th instant, when, as you will see by Mr. Harper's note at bottom of the survey, he was informed that the proper office for enregistering of my claim was in Opelousas.

This information I have this instant received, by express, and lose no time in complying with the advice of Mr. Harper, who suggested the propriety of my immediately addressing you on the subject, laying before you a statement of the circumstances, which I hope may arrive before the closing of the register books. It is so much the more aggravating to me, that I should be placed in such a predicament by the negligence of others, as I presented a memorial to Congress last session, through Mr. Johnston, to whom I sent my original survey, praying for a patent for the land therein contained. And it is probable that it was from this memorial that they were induced to order the opening of register offices for the State. I was unable to avail myself of the opportunity given by the U. S. Government for enregistering in the years 1806–'7, as I was at that time absent in Mexico, whence I returned in the year 1810.

I hope, upon consideration of all these circumstances, that you will be pleased to accord me every indulgence in your power, which [will] be duly acknowledged by, sir, your ob't serv't,

(Signed) LS. BRINGIER.

N. B. If you will please forward me pr. mail your charge for enregistering, it shall be duly remitted by return.

REGISTER'S OFFICE,
OPELOUSAS, 10*th January*, 1821.

DEAR SIR: The enclosed letter and accompanying document, to wit, a plat of survey and certificate by Mr. Trudeau, late surveyor general of the province of Louisiana, for a tract of land on Black river, said to belong to Mr. Louis Bringier, were received by yesterday post.

You will see that he has been led into an error; that he ought to have forwarded his paper to your office. I beg, therefore, that you will regard his letter as if it had been addressed to yourself.

I am, respectfully, your ob't servant,

(Signed) LEVIN WAILES.

DANIEL J. SUTTON, esq.,
Register of the Land Office, Monroe, Washitta.

And further, on the 9th day of March, 1846, the counsel for petitioners offered in evidence a certain document, marked O, which document is the petition of L. Bringier to the House of Representatives of Congress, and is in the words and figures following, to wit:

To the Honorable Speaker and members of the House of Representatives, in Congress assembled:

The petition of Louis Bringier humbly sheweth, that your petitioner having been absent from the State of Louisiana nearly all the time which has elapsed since the cession of that colony to the United States, as is notorious to the honorable members from that State, now in Congress, he was ignorant of the formalities required to secure Spanish incomplete land titles, and that it was only at his return to Louisiana in the year 1814, that he perceived he had not pursued the proper steps to guarantee his grant, at which epoch the time allowed by the act for such claims being expired, left him no other recourse but that of soliciting the equity of Government in Congress, which his duty at the approach of the enemy obliged him to postpone, from the last session to the present one, whereto your petitioner is now come, and respectfully exhibits his documents before your honorable body, praying that you may be pleased to indulge him with an order which may enable him to obtain a patent for the said concession, since it will appear that it was not owing to neglect, but for want of knowing better, that the annexed survey was presented to the register of the land office in the eastern district of the territory of Orleans then, instead of the Register of the western district of the same territory; and as in duty bound, will ever pray.

(Signed) L. BRINGIER.

Upon the foregoing petition is the following endorsement, viz: "January 15, 1816, referred to the Committee on the Public Lands."

I, Benjamin B. French, clerk of the House of Representatives of the United States, do hereby certify, that the foregoing petition is a true copy of the original petition of Louis Bringier, now [on] file in this office.

In testimony whereof I have signed my name, and affixed the seal of the House of Representatives of the United States, this [L. S.] seventeenth day of April, in the year one thousand eight hundred and forty-five.

Capitol U. S., April 17, 1845.

(Signed) B. B. FRENCH.

Hon. RICE GARLAND.

SIR: Your two letters came to hand a day or two since, and in obedience to the requests therein contained, I herewith enclose a copy of the petition of Louis Bringier, received in your letter *date* on the 3d instant. The copy of the journal entry, made agreeably to the request in yours of the 2d [instant,] the necessity for which would seem to be superseded by the certified copy of the entire petition, with the endorsement thereon, will serve to show that the petition was presented actually, and by whom, should the positive presentation of it be denied. No action was had by the committee upon the petition, and none by the House, further than the simple reference of it to the committee, as appears by the endorsement.

Very respectfully, your obedient servant,

(Signed) DANIEL GOLD,
Chief Clerk, Capitol U. S.

Journal of the House of Representatives.

Congress of the United States, begun and held in the city of Washington, in the District of Columbia, on Monday, the 4th day of December, in the year of our Lord 1815, being the first session of the 14th Congress, held under the Constitution of Government of the United States.

In the House of Representatives—*Monday, Jan.* 15, 1816.

Mr. Robertson presented a petition of Louis Bringier, of New Orleans, praying that his title to a tract of land, in the State of Louisiana, may be confirmed.

Ordered, that the said petition be referred to the committee on the public land.

A true copy, from the Journal of the House of Representatives of the United States. Given under my hand and seal of the House of Representatives of the United States, this 12th day of April, in the year of our Lord one thousand eight hundred and forty-five. [L.S.]

(Signed) B. B. FRENCH,
Clerk of the House of Representatives of the United States.

And further, on the 9th day of March, 1846, the counsel for petitioners offered in evidence a certain document, marked P, being a certificate of lands sold by the United States from the tract claimed, and which is in the words and figures following, to wit:

Marked P.

STATEMENT of entries of land at the land office at Ouachita, Louisiana, which interfere with the unconfirmed claim of Louis Bringier, under which the Hon. Rice Garland and Hon. Thomas Curry claim; also, a column, exhibiting the area of the confliction, according to the official returns of the surveyor general of Louisiana, on file in my office.

Date of certificate of purchase.	Purchaser's names.	No. of certificate.	Description of tract sold.	No section	No. town'p	No. range.	Quantity. Acres.	Quantity. 100ths.	Amount of confliction. Acres.	Amount of confliction. 100ths.	Date of approval of township maps.	Remarks.
1836.												
Oct. 24.	Wm. Nicholls & The. O. Stark -	3797	Lot No. 5, (or that part of the section lying east of Black river,) in -	36	8N	6 E	107	90	107	90	Feb. 17, 1830.*	* According to a diagram from surveyor general, La. office, dated May 18, 1842, this tract is reduced by the survey of the claim of John Henry, B. No. 1755, to 24 20-100 acres.
1839.												
Nov. 13.	James Ryan - - -	5896	Southwest quarter -	31	"	8 E	160	00	160	00	May 27, 1839.†	
Dec. 13.	Thomas Bernard - -	6212	- - - -	36	"	7 E	604	07	552	15	" "	
"	Rob't J. Barrow & Rob't D. Percy	5191	Fractional southwest qr. -	28	"	"	124	82	124	82	" "	
"	John Fletcher - - -	6219	Fract'l n e. ¼ & s. w. ¼ & w. ½ of southeast qr. -	29	"	"	353	27	315	80	" "	
"	Rob't J. Barrow & Rob't D. Percy	6194	E. ½ of southeast qr. -	"	"	"	80	20	80	20	" "	
"	John Fletcher - - -	6220	Southeast fractional qr. of	30	"	"	124	21	47	21	" "	
"	John Fletcher - - -	6218	Fractional - - -	31	"	"	565	24	544	61	" "	
"	Rob't J. Barrow & Rob't D. Percy	6192	- - - -	32	"	"	640	80	640	80	" "	† "Pre-emption act of 1838."
"	Rob't J. Barrow & Rob't D. Percy	6193	Section - - -	33	"	"	593	73	375	33	" "	
"	James H. Stevens & Christian Ste-											
1843.	phens - - - -	6213	South ½ and northwest ¼ -	35	"	"	450	53	65	03	" "	
Sept. 1.	Pleasant H. Prater - -	7924	Northeast ¼ - -	20	6 N	"	160	40	160	40	Dec. 8, 1842.‡	‡ "Pre-emption act of 1841."
"	Heirs of John Wood Prater -	7925	Northwest ¼ - -	"	"	"	160	40	160	40	" "	
Sept. 14.	Frederick J. Bowie - -	7932	Southwest fractional qr. -	2	7 N	"	162	45	162	45	May 21, "	" "
Aug. 31.	William D. Adams - -	7915	Northeast quarter -	10	"	"	160	00	160	00	" "	" "
Sept. 14.	Asa A. Hawthorn - -	7931	Northwest quarter -	"	"	"	160	00	160	00	" "	" "
"	Joseph Tyree - - -	7934	Northwest fractional ¼ -	24	"	"	128	10	128	10	" "	" "
"	Richard Smith - - -	7933	Southwest fractional ¼ -	"	"	"	161	00	161	00	" "	" "

LAND OFFICE AT OUACHITA, *Louisiana:*

I, Henry O. McEnery, register of the land office at Ouachita, Louisiana, do hereby certify, that, according to the records of my office, the above statement of the lands sold for certificates of purchase, numbered 3797, 5896, 6212, 6191, 6219, 6194, 6220, 6218, 6192, 6193, 6213, 7924, 7925, 7932, 7915, 7931, 7934, and 7933, is true and correct, and that the above column, headed "Amount of Confliction," shows the extent of interference of the Bringier claim, with each entry, and amounting, in the aggregate, to four thousand one hundred and six acres and the twenty hundredths of an acre, agreeably to the respective township plats on file in this office, as referred to above.

In testimony whereof I have hereunto subscribed my name, and affixed my private seal of office, (not having a public one,) [L. S.] on this the 26th day of March, A. D. 1845.

(Signed) HENRY O. McENERY, *Register.*

And further, on the 9th day of March, 1846, the counsel for the petitioners offered in evidence a certain document marked Q, being a certificate of testimony, and is in the words and figures following, to wit:

Certificate of testimony.

Deputy register's, No. 116.—Rapides & Concordia.

In the claim of John Heberards, commonly called "Caddy," to a tract of land situate on Black river, Edmund Johnson, being first sworn, deposeth and saith, "that he settled on Cole's creek, in the Mississippi territory, in April, 1790; and that, in the year 1791, several persons of his acquaintance, contemplating a trip to the westward of the Mississippi for the purpose of exploring the lands on the Ouachita river, frequently spoke of Caddy's ferry, on Black river, as a crossing place."

EDMUND JOHNSON.

Sworn in presence of the board, the 11th September, 1811.

J. THOMPSON, *Clerk.*

The deposition of William Brown, taken by authority from the board, as follows:

"In obedience to an order to me directed from the honorable the board of commissioners for the western district of the territory of Orleans, I have caused to come before me William Brown, who being duly sworn deposeth and saith, "that, in the month of April, in the year of our Lord one thousand *eight* hundred and eighty-six, he, the said deponent, set out from the post of Ouachita with the intention of going to Point Coupee by water; and that, on his passage down the Black river, he landed at the mouth of Little river, where he found the encampment and settlement of John Heberard; the improvements then consisted of a camp, and about three acres of land, with the cane burnt and prepared for cultivation. And this deponent further says, that he was informed by the said Heberard that he had a grant from the Spanish Gov-

ernment for a large tract of land at that particular place, but the precise quantity of acres not recollected. And this deponent further saith, that the said Heberard was the only person who ever had, or pretended to have, any claim to that particular tract of land at the mouth of Little river; and he further believes that Heberard did, himself, or by some agent for him, continue to inhabit, occupy, and cultivate the said premises every year from that time until after the cession of Louisiana to the American Government, and until he sold the said premises unto John Henry, the present claimant;" and further saith not

WILLIAM RROWN.

Sworn and subscribed before me, this 28th day of December, 1811.

R. CLAIBORNE, *J. P. R.*

Title confirmed. Certificate B, No. 1754, issued.

D. R. No. 116.—Rapide & Concordia.

John Heberard's claim for 1,181.64 arpens, equal to 1,000 acres, founded on ten years occupancy, in favor of John Henry, supported in the testimony in the next preceding claim.

Title confirmed. Certificate B, 1755, issued.

LAND OFFICE AT OPELOUSAS,

State of Louisiana, August 12th, 1841.

I do hereby certify the foregoing to be a correct copy from the minutes of the board of commissioners on file in this office.

(Signed) E. A. SETON, *Acting register.*

And on the tenth day of March, A. D. 1846, the testimony of Thomas Gilpin (as set forth in document marked A, No. 1,) was offered in evidence by the respondents, admitted, and filed, to wit:

First. Commission issued from the U. S. district court, directed to T. M. Petit and als., U. S. commissioners to take the testimony of Thomas Gilpin.

District court of the United States, for the district of Louisiana, to T. M. Petit, Charles Ingersoll, James Page, George M. Stroud, esqrs., or any or either of them, of the city of Philadelphia, Pa.

Know ye, that, reposing special trust and confidence in your integrity and ability, we hereby authorize and require you that you call and cause to come before you Thomas Gilpin, and him duly examine on oath, touching and concerning certain matters and things in [the] cause now depending in the said court, wherein Garland and Curry are plaintiffs, and the United States of America are defendants; and the same examination, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable Theodore H. McCaleb, judge of said court, at the city of New Orleans, this fifth day of September, anno [SEAL.] domini 1845, and the 70th year of the independence of the United States of America.

(Signed) N. R JENNINGS, *Clerk.*

Interrogatories attached to the foregoing commission.

GARLAND AND CURRY
vs.
THE UNITED STATES OF AMERICA.

District court of the United States, for the district of Louisiana.

Interrogatories to be propounded to Thomas Gilpin, of Wilmington, Delaware, in the city of Philadelphia, State of Pennsylvania, in the above entitled cause in the district court U. S., district Louisiana.

Int. 1st. What is your age and occupation? Where do you reside?

Int. 2d. Have you ever been engaged in the manufacture of paper? If yea, where and at what time were you so engaged? Did you have a partner, or partners, in the paper manufacture? If yea, when was the partnership or partnerships formed? Where was the business carried on? By what name or names was the partnership or partnerships known? How long did they continue? Were the names of the partnership ever changed? At what times did these changes take place? From and to what periods was each particular name used to distinguish each particular partnership? Please annex the original articles of partnership to your answers. If this cannot be done, please annex a copy of them to your answers.

Int. 3d. Was it customary for you to mark in any particular way the paper manufactured by yourself, or by your partnership or partnerships? Were these marks always the same during the period in which you were engaged in paper making? If they were ever changed, please state all the changes made, and the times at which these changes were made, from the commencement of the business down to the latest period in which you were engaged in paper making. How were these marks made? What are they called? Are they sufficient to distinguish the paper on which they are impressed from any other paper?

Int. 4th. Please look at the document annexed to these interrogatories, endorsed "No. 1, Garland and Curry vs. the United States, document C; testimony filed March 3d, 1845, N. R. Jenning's, clerk," and say whether you know the paper on which the document is made out. By whom was the paper made? Where was it made? At what time, particularly, was it made? Was it made before the year 1800? Are the marks on it sufficient to distinguish it? What are these marks? Can you judge by the quality and appearance of the paper as to the time when it was made? Was it made after the year 1803? Are there any circumstances by which you can judge of the time when the paper was made, other than the marks upon it, its quality, and appearance? If yea, what are these circumstances?

Int. 5th. Do you know, or can you set forth, any other matters or things which may be of benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of

this your examination, or to the matters in question in this cause? If yea, please set forth the same.

(Signed) E. WARREN MOISE,
For S. W. DOWNS,
U. S. Attorney, district Louisiana.

I accept service of these interrogatories, and have no cross interrogatories to *purpose*.

(Signed,) SAM'L A. PLUMMER,
Attorney plaintiff.

NEW ORLEANS, *September 6th*, 1845.

Document marked "C," referred to in the foregoing interrogatories, and annexed thereto.

Luisiana, año 1796, puesto de Ouachitta.

[For map, see original.]

Don Carlos Trudeau, agrimensor real, &c.

Certifico y declaro, que fue verificado, á favor y en presencia de Don Luis Bringier, y con asistencia de Don Marius Bringier, (padre del interesado,) un tierra de quarenta mil arpanes planos, medida de la ciudad de Paris, segun medida agraria en esta provincia, cuyo terreno situado en el puesto de Ouachita, sobre el margen izquierdo digo oriental del Rio Negro, lindado á la parte del norte parte con la orilla del Bayu Tensa y parte con tierra vacante, á la parte del oeste con la orilla del antedo. Rio Negro, y á los demas lados con tierras vacantes y del dominio de S. M.; á todo demuestrado mas compliamente en el plano que precede, en aquel van anotados y las dimenciones y rumbos de los limites en perchas lineales, los arboles, y mojones, y demas confines naturales y artificiales, &c. El apeo se pratico á pedimento del interesado, y en virtud de orden del Señor Gobernador Gen'l el Señor Baron de Carondelet. De todo lo que doy fe, y para que sirve donde convenga, doy la presente, con el plano figurativo que antecede, á quatro del mes de Setiembre de mil setecientos noventa y seis años. Firmado yo, el presente agrimensor.

Para copia conforme á los originales remitidos á el interesado, al fin que sigue las diligencias correspondientes para la formacion del titulo en forma. Dia *ut supra.*

(Signed) CARLOS TRUDEAU, *Agr'l.*

This claim was this day presented to me to enregister, but the land claimed not being within my district, I could not receive it. The claimant states to me that he was under the impression this was the proper district in which to enter his claim, which he says is the reason it was not forwarded to the proper office within the limited time.

(Signed,) SAM'L H. HARPER,
Register, eastern district Louisiana.

December 29th, 1820.

Deposition of Thomas Gilpin, a witness produced, affirmed, and examined on the first day of October, in the year of our Lord one thousand eight hundred and forty-five, at the office of Thomas M. Petit, in the city of Philadelphia, and State of Pennsylvania, by virtue of a commission issuing from the district court of the United States, for the district of Louisiana, to J. M. Petit, Charles Ingersoll, James Page, George M. Stroud, esquires, or any or either of them, of the city of Philadelphia, Pennsylvania, directed, for the examination of said Thomas Gilpin, touching and concerning certain matters and things in a cause depending in the said court, wherein Garland and Curry are plaintiffs, and the United States of America are defendants. The said Thomas Gilpin being a member of the Society of Friends, and conscientiously scrupulous of taking an oath.

Thomas Gilpin, being produced, affirmed and examined, deposeth as follows:

To the first interrogatory, annexed to said commission, he answers as follows: My age is sixty-nine years, and upwards. I was sixty-nine years of age on the tenth day of September, one thousand eight hundred and forty-five. At present, I am not engaged in any occupation. I reside in Wilmington, in the State of Delaware, but spend much of my time in the city of Philadelphia, in the State of Pennsylvania.

To the second interrogatory, annexed to said commission, he answers as follows: I have been engaged in the manufacture of paper, at the paper mills on Brandywine creek, in the State of Delaware, about two miles from Wilmington, called the Brandywine Mills. I commenced being engaged, as having an interest in the said mills, on my becoming of age on the tenth day of September, one thousand and seven hundred and ninety-seven, (1797.) I then became one of a partnership under the firm of Joshua Gilpin & Co., consisting of my uncles, Thomas Fisher and Miers Fisher, both since deceased, and my brother Joshua Gilpin, also since deceased, who, with me, were the owners of the Brandywine estate, having also a manufacturing partner of the name of James Given, residing at the mills, also since deceased. The copartnership was originally form[ed] for ten years, commencing the eighteenth of September, one thousand seven hundred and eighty-six, and it expired on the eighteenth of September, one thousand seven hundred and ninety-six, (1796.) It was subsequently continued by agreements from year to year under the same firm, until the month of September, one thousand eight hundred, (1800.) My recollection is confirmed by an inspection of the original articles of copartnership, which are now in my possession. On the seventh day of December, one thousand eight hundred, (1800,) the owners of the establishment, being then Thomas Fisher, Miers Fisher, Joshua Gilpin, and myself, the said Joshua Gilpin being absent in Europe, acting by his attorney Miers Fisher, united in a copartnership with Lawrence Greatrake, an English paper manufacturer, since deceased, to continue for fourteen years, from the first day of December, one thousand eight hundred, (1800.) The business under this arrangement was carried on at the paper mills on the Brandy-

wine creek, in the State of Delaware. The partnership was known by the name of "Thomas Gilpin and Company." They continued for the fourteen years from the 1st day of December, 1800. No change was made in the name of either during the existence of the respective partnerships. The new firm took its new title when the new partnership was formed as above stated. From the eighteenth day of September, one thousand seven hundred and eighty-six, (1786,) until the month of September, in the year one thousand eight hundred, (1800,) the partnership was distinguished by the name of Joshua Gilpin and Company. From the seventh day of December, in the year one thousand eight hundred, (1800,) until the first day of December, one thousand eight hundred and fourteen, the partnership was distinguished by the name of "Thomas Gilpin and Company;" subsequently to the 1st day of December, 1814, it was continued from year to year, under the same firm of "Thomas Gilpin and Company," until the year 1824, when that firm was dissolved. Between the period of the expiration of the first firm in September, 1800, and the formation of the new firm in December, 1800, the business went on under a verbal understanding of the parties.

In answer to that part of the second interrogatory which requests me to annex the original articles of partnership to my answers, or, if that cannot be done, to annex a copy of them, I state, that while I am willing to produce to the commissioners, and do now exhibit to them, the original agreement of the copartnership of Joshua Gilpin and Company, dated the 18th September, 1786, and also that of the copartnership of Thomas Gilpin and Company, on the 7th day of December, 1800, already referred to, and now in my possession, for the purpose of verifying my testimony, and for that purpose am willing to allow a full examination of them to be made, and also would be willing for the same purpose to exhibit them to the court from which the commission has issued, yet I cannot consent to part with the said original papers, or either of them, as they both contain arrangements of private business between the parties to them; and on the same account, I do decline, also, to place them on record by furnishing copies of the same. I complete my answer to the second interrogatory by stating that I continued to be engaged in the manufacture of paper at the Brandywine Mills, until July, 1828; but having invented and introduced the machine process for making paper, and established it there in February, 1817, the process of making paper by moulds gradually went out of use. The papers made by machinery never had any letters in them, or other distinguishing water-marks.

To the third interrogatory, annexed to said commission, he answers as follows:

It was customary for us to mark in a particular way the paper manufactured by the respective partnerships. During the periods in which I was engaged in paper-making, the marks were always the same under each partnership. The writing paper made during the partnership under the firm of Joshua Gilpin & Company, to wit, from September, 1786,

to the year 1800, was marked J. G. & Co., Brandywine, in roman letters. This mark was made in each sheet. The writing paper manufactured during the partnership under the firm of Thomas Gilpin & Company, to wit, from December, 1800, to the year 1824, was marked in each sheet, T. Gilpin & Co., Brandywine, in roman letters. The only change made in the marks, was from J. G. & Co., to T. Gilpin & Co., after the formation of the partnership under the firm of Thomas Gilpin & Company, in the month of December, 1800, except that one of the first moulds used under the partnership under the firm of Thomas Gilpin & Company had the mark J. G. & Co., and not T. Gilpin & Co. The marks were made by wires formed into the respective letters and sewed with fine wire on the surface of each paper mould, so that each sheet of paper, as taken out from the paper pulp at the vat, had the mark in it which had been placed on the mould. The marks in the paper are called the water-marks, and consist occasionally of letters, and occasionally of devices. They are sufficient to distinguish the paper in which they are formed from any other paper. They are sufficient to identify the paper.

To the fourth interrogatory, annexed to said commission, he answers as follows:

I have looked at and examined the document annexed to the interrogatories in this case, endorsed, "No. 1, Garland and Curry vs. the United States. Document C. Testimony filed March 3d, 1845, N. R. Jennings, clerk."

I know the paper on which the document is made out. The paper was made by the copartnership of Thomas Gilpin and Company, at the Brandywine Mills, in the State of Delaware. It was made after the 29th day of October, one thousand eight hundred and two, (1802.) The making of it was not commenced until after that day. It was not made before the year one thousand eight hundred, (1800.) The marks in it are sufficient to distinguish it. The marks in it are "T. Gilpin & Co., Brandywine," in roman letters, on one side; and on the other side the figure of Britannia, that being the distinguishing mark of English foolscap paper. I can judge by the appearance of the paper that it was made after the 29th day of October, 1802, as already stated. In answer to the inquiry, was it made after the year 1803, I state that the moulds on which the paper was made, were imported from England, and arrived at Philadelphia so as to be sent to the Brandywine Mills on the 29th day of October, 1802, subsequently to which time the paper was manufactured. The first lot of paper made on said moulds, having been kept in the mills during the process of manufacture, was undergoing the sizing process on the 23d day of April, one thousand eight hundred and three, (1803,) and could not have left the mills earlier than the middle of May of that year. Whether this sheet was one of that lot, or was made at a subsequent period, I have not the means of judging, as paper was made occasionally on the same moulds for several years afterwards. There are circumstances by which I can judge as to the time after which the paper was made, other than the marks upon it and its appearance. I have already stated the importation of the moulds on

which it was made. I was at the mills on the twenty-eighth day of April, 1803, and by a memorandum which I then made, and have preserved, I know that the first lot of paper made on the said moulds was under process of sizing on the 23d day of April, 1803.

To the fifth interrogatory, annexed to said commission, he answers as follows:

I know of no other matters or things which may be of benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this my examination, or to the matters in question in the cause, and therefore cannot set forth any other such matters or things. I desire to add, that, in stating dates, I have confirmed my recollection by reference to books and documents in my possession.

(Signed) THOMAS GILPIN.

Affirmed and subscribed before me—

(Signed) J. M. PETIT,
" C. INGERSOLL,
" JAMES PAGE,
" GEO. M. STROUD,
} *Commissioners.*

And on the 10th day of March, 1845, the counsel for the petitioners offered in evidence, 1st, document marked C, now attached to the deposition of Thomas Gilpin, which is marked A, No. 1; 2d, deposition of Mr. Gilpin, taken under a commission, marked A, No. 1; to the reception of which document and deposition, the following note of objections and admissions was made by the clerk, to wit:

Counsel for petitioners object to the reception of this deposition, on the ground that it is an attempt of defendants to disprove or invalidate a document offered by themselves. That pl'ffs have never offered, nor attempted to offer, the document impeached in evidence. That they have not, and do not, rely upon it in any way to make out their title, it being only a copy of which they have offered the original in evidence, marked "B B." That it is an office copy retained by the Spanish officer, for evidence in his office, and not for the benefit of the citizen or claimant. That defendants cannot invalidate testimony offered by themselves. That when the said copy was annexed to the petition, it was only for reference, and not as part of the petition, for at the same time they offered to produce the original, and did produce the same on the trial.

It is admitted by counsel for petitioners, that Mr. Thomas Gilpin, (whose deposition is now offered,) is a gentleman of integrity and veracity.

And on the 10th day of March, 1846, the counsel for the respondents offered in evidence a certain document marked A, No. 2, purporting to be a deed from the sheriff of the parish of Orleans, to a third person, to the reception of which the following objections were made, to wit:

The U. S. district attorney offered a certified copy of a deed from the sheriff of the parish of Orleans, (being doc. marked A, No. 2,) to show an outstanding title in a third person. The court refused to receive this doc. in evidence, on the ground that the validity of an outstanding title is not a legitimate subject of inquiry for the court, but ordered it to be placed on file to show what is the document now rejected.

Document A, No. 2, as above stated.

Whereas, I, George W. Morgan, sheriff of the parish of Orleans, in the State of Louisiana, by virtue of an order of the honorable district court, of the first judicial district of the State of Louisiana, in the case of Lewis Bringier vs. his creditors, did advertise according to law a claim for forty thousand arpents of land in Ouachitta, situated at the confluence of Ouachita and Black river, granted to the said Bringier, through his father, by the Baron de Carondelet, in 1796, the original titles, certified by Gurley, register of the land office, were given to T. B. Robertson, esquire, whilst our representative at Washington city, in the year 1815. It is probable that a duplicate, drawn out of the office of the late Mr. Bouchon, surveyor general of this State, about the year 1820, and forwarded to the western land office has been there recorded. However, Mr. Bouchon kept a copy, which is in the records under the charge of the surveyor general. Also, the right of the said Louis Bringier to the pre-emption for one section, including the blowing cave on Poke bayou, Lawrence county, Arkansas territory, for having cleared the land, built houses, and sent on hands and articles for the erection of a saw and grist mill in 1811. See contract No. 49, surrendered by the said L. Bringier, for the benefit of his creditors. And having exposed the same to public sale according to law, on the tenth day of May of the present year, and having exhibited the certificate of the recorder of mortgages of this city, by which it appears that there is no encumbrance thereon, Isaac Lambert, Jonah Bastable, and William Brothers became the purchasers thereof for the price of one hundred and fifty dollars for the Ouachitta land, and ten dollars for the right to the section on Poke bayou, making one hundred and twenty-five dollars, which I hereby acknowledge to have received.

Now, therefore, know all men by these presents, that I, the said sheriff, do, in consideration of the premises, and by virtue of the act in such case made and provided, grant, bargain, sell, assign, and return to the said Isaac Lambert, Johab Barstable, and William Brothers, their heirs and assigns, the above described claim, and all the right, title, and interest or demand, which the said Louis Bringier, or his creditors, on the third day of April, in the year of our Lord one thousand eight hundred and twenty-eight, as at any time since, had, in, or to the said land or any part thereof, to hold the same to the said Isaac Lambert, Jonah Bastable, and William Brothers, their heirs and assigns, forever.

In witness whereof I have hereunto set my hand and seal, this twenty-fifth day of June, in the year of our Lord one thousand eight hundred

and twenty-eight, and in the fifty-second year of the independence of the United States.

Signed, G. W. MORGAN, [SEAL.]
Sheriff and syndic of the creditors of Bringier.

Sealed and delivered in presence of—
Signed, LEWIS HAYDEN.

Recorded 27th June, 1828.
Signed, JOHN L. LEWIS, *Clerk.*

State of Louisiana, first judicial district court.

I hereby certify the foregoing to be a true copy from the records in the office of the clerk of this court, in deed book C, page 96.
Clerk's office, March 7th, 1846.
Signed, W. P. BEDLOCK, [SEAL.]
Deputy Clerk.

And on the tenth day of March, 1846, the counsel for the respondents offered in evidence a certain document marked A, No. 3, purporting to be a sale from Mrs. Lambert to S. Mooney, to the reception of which the following objections were made, to wit:

The United States district attorney also offered document A, No. 3, which was rejected, but put on file for the same purpose as document A, No. 2, above.

Document A, No. 3, as above stated.

STATE OF LOUISIANA,
City of New Orleans:

Be it remembered, that this day, the twenty-first of the month of October, in the year one thousand eight hundred and thirty-one, and in the fifty-sixth year of the independence of the United States of America, before me, Louis T. Caire, notary public in and for the city and parish of New Orleans, duly commissioned and sworn, and in presence of the witnesses hereafter named and subscribed, personally came and appeared Mrs. Marie Adèle Harty, wife of Isaac Lambert, of this city, separated in property from her said husband per judgment in the parish court in and for the city and parish of New Orleans, dated the sixteenth day of April, eighteen hundred and thirty-one, and duly authorized by her said husband, also present, who declared, that on the thirtieth ultimo, Mr. Isaac L. McCoy, a public auctioneer in this city, by the order of her said husband, offered at public sale all and singular her right, title, and interest, in and to the one undivided third part of the following tracts of land, viz: forty thousand arpens of land at the confluence of Ouachita and Black river; and also six hundred and forty arpents of land on Poke bayou, Lawrence county, in the Arkansas territory Mr. James Mooney, of this city, as the highest bidder, became the purchaser of the same for sixty-six dollars, payable cash, as it appears from the certificate of said auctioneer hereto annexed for reference. Now, therefore, the

said Madame Lambert, in order to give the said purchaser a title in due form, declared and said, that she does by these presents grant, bargain, transfer, sell, and deliver, unto the said James Mooney, residing in this city, here present and accepting, purchaser for him, his heirs and assigns, and acknowledging himself in possession [of] the following described tracts of land:

First. The undivided third part of a claim of Louis Bringier, as surrendered to his creditors, in forty thousand arpents of land situate at the confluence of Ouachita and Black river, granted to said Bringier by the Baron de Carondelet in the year seventeen hundred and ninety-six, and recorded in the western land office in the year eighteen hundred and twenty.

Second. The pre-emption of one undivided third [part of a claim] of Louis Bringier, to one section of land, including the Blowing cave on Poke bayou, Lawrence county, in the Arkansas territory, with all the buildings thereon belonging, the premises to the said Madame Lambert, by purchase made by her with other property from Robert Brand, of this city, per act passed before William Young Lewis, notary public in this city, on the twenty-third day of June, ultimo, in which act Mrs. Amelia Barby, wife of the said Brand, and by him authorized, renounced to all the rights, mortgages, and privileges, she had or might have on the premises; the said Robert Brand acquired the same [from] Isaac Lambert, per act passed before the said notary, Lewis, on the twenty-first day of July, eighteen hundred and *and* thirty; and the said Isaac Lambert bought the same at the public auction in the matter of Louis Bringier vs. his creditors, jointly with Johab Bastable and William Brothers, both of this city, who each hold one third interest therein, per act of sale from the sheriff of the parish of Orleans, dated the twenty-fifth day of June, eighteen [hundred] and twenty-eight, and duly recorded in the clerk's office of the first judicial district court of this district, on the twenty-seventh day of the same month. This sale is made and accepted according to the adjudication aforementioned, for and in consideration of the sum of sixty-six dollars, which the purchaser, at the sight of the undersigned notary and witnesses, well and truly paid cash in hand to the vendor aforenamed, the receipt whereof he does hereby acknowledge, and grant a full and complete discharge and acquittance therefrom. To have and to hold the said premises to the said James Mooney, his heirs and assigns, to their proper use and behoof forever; and the said Madame Lambert, for herself and her heirs, the said premises to the said purchaser, his heirs and assigns, shall and will warrant and forever defend, against the lawful claims of all persons whomsoever by these presents, hereby subrogating and transferring to said James Mooney all rights of warranty and action against her vendor and all preceding vendors.

And the said Mrs. Lambert declared, moreover, that she never has alienated, incumbered, or mortgaged said tracts of land, of which declaration the purchaser has been satisfied; and inasmuch as the parties are desirous of signing the present sale without awaiting for the certifi-

cate of the recorder of mortgages, they give to the undersigned notary a full and complete discharge therefrom, and take upon themselves all the responsibility.

Done and passed in my office at the city of New Orleans, and in presence of Charles Darcantel and André Darcantel, witnesses thereto required and residing in this city, who have signed with the parties, and me, notary, after the reading of the act.

(Signed) JAMES MOONEY,
ISAAC LAMBERT,
MARIE ADELE LAMBERT.

CHARLES DARCANTEL,
ANDRE DARCANTEL.

LOUIS T. CAIRE, *Not. pub.*

I certify the foregoing to be a true copy of the original act extant in my register, according to law. In faith whereof I have signed the present, to which I have imposed my seal of office. [SEAL.]

New Orleans, 7th March, 1846.

The day, month, and year aforesaid, this reference approved.

(Signed) LOUIS T. CAIRE, *Not. pub.*

And further, on the 10th day of March, A. D. 1846, the following admissions were noted by the clerk, and are in the words and figures following, to wit:

On examining, under the date of September, 1796, a volume now in court, entitled "Books of Land Office, No. 3, Register of Spanish Titles in form," it is admitted by counsel for petitioners that there are therein found several titles in form, and that there is no mention of any in favor of Bringier.

It is also admitted by counsel for petitioners, and shown by an inspection, in open court, of a register of orders of survey now existing in the land office, under date of September, 1796, that an entry of the order of survey on which petitioners found their claim, does not appear.

And on the 10th day of March, 1846, the counsel for the respondents offered in evidence a certain document, marked A, No. 4, which is in the words and figures following, to wit:

Notice of Rice Garland and Thomas Curry, on filing the plat of survey of a grant alleged to be made to Louis Bringier.

To the register of the land office and receiver of public moneys at Monroe, in and for the land district north of Red river, in the State of Louisiana.

You will receive, herewith, a duly certified plat of a survey made of a tract of land in the parish of Concordia, granted to Louis Bringier by the Baron Carondelet, formerly governor of Louisiana, whilst it belonged to the crown of Spain, and regularly surveyed by Don Carlos Trudeau, surveyor general of the said province of Louisiana. This

1563.

tract of land now belongs to the Hon. Thomas Curry and me, we having purchased it of Mr. Louis Bringier on the 30th of April last. We have had it surveyed, and taken actual possession, claiming and intending to hold it as our property, and now notify and forbid you, as officers of the Government of the United States, not to sell or dispose of any of the land mentioned or described in the aforesaid plat, in any manner, or to any person whatsoever, or to do any thing to affect or prejudice our rights and claims to the premises, without our knowledge and consent. Our title to said tract of land is of record in the parish of Concordia. You will observe that we claim a portion of various townships, viz: a large part of township 6 N., R. 7 E.; all of township 7 N., R. 6 E., that lies east of Black river; the whole of T. 7 N., R. 7 E., that lies east of Black river and south of the Tensas; that portion of T. 8 N., R. 7 E., that lies south of the Tensas and of the line on the plat that leaves the Tensas in section 36, and runs east 380 poles, French measure; about a quarter section in section 31, in T. 8 N., R. 8 E., and a range of half sections on the western sides of townships 6 and 7 N., range 8 east.

This plat, you will observe, is very near or exactly on the scale of the United States surveys, and connects with them, so that you can very easily identify it with them. We understand that some land has been sold by the United States, previous to our purchase, within the limits of our claim, at public sale, or by pre-emption rights. It is not our purpose to interfere with such sales, or to disturb the purchasers. You will also observe, that it is not our purpose to interpose any obstacles against any persons who had a good pre-emption right previous to our purchase, who may not have paid it out of your offices. We only desire, in such cases, to be notified of the application, so that we may make opposition, if necessary, to protect our rights. We know who are in good faith entitled to pre-emptions, and only desire to be protected from illegal claims.

You will please take notice, that Messrs. McGuire and Ray are authorized to act as our agents in the premises, and whenever an application is made for a pre-emption within the limits of our claim, we request you will notify them, or one of them.

In making this relinquishment in favor of innocent purchasers and actual pre-emptors, we do not intend to be understood as relinquishing any right or claim for indemnity that we may have on the United States, to give us an equal quantity of land elsewhere, or to pay us for the land so sold by you or your predecessors.

New Orleans, January 11th, 1842.

Respectfully, yours, &c., RICE GARLAND,
For himself and for Thomas Curry.

I certify the above and foregoing letter to be a true copy from the original on file in this office. Given under my hand, this 22d day of October, A. D. 1845.

(Signed) D. B. RICHARDSON,
Register of the land office at Ouachita, La.

[Rec. clx, D. T. 1847.]—8

And on the 10th day of March, 1846, the counsel for the respondents offered in evidence a certain document marked A, No. 5, which is in the words and figures following, to wit:

Part of township 8, *range 7 east, district north of Red river, received 10th June*, 1839, *and offered in December*, 1839.

[For plat see original.]

John Fletcher entered fractional section 31, as per No. 6,218, the 13 December, 1839, and the southeast fractional quarter section 30, No. 6,220, the fractional southwest quarter and the west half of the southeast quarter of section 29, in township 8 north, range 7 east; all entered the 13th December, 1839.

Robert D. Percy entered the east half of the southeast quarter of section 29, No. 6,194, and the fractional southwest quarter of section 28, No. 6,191; and fractional section 33, No. 6,193; and section 32, No. 6,192, east; all in township 8, range 7 east, and all entered the 13 December, 1839.

I do hereby certify, that this map and entries *is* truly and correctly taken from the original maps and records on file in the register's office at Ouachita, Louisiana.

Given under my hand, this 13th September, A. D. 1845.

(Signed) D. B. RICHARDSON, *Register*.

T. 8 N., R. 7 E.

Contents of that part of township 8 north, range 7 east, included in the Bringier claim.

Sec.	Area.	Sec.	Area.	Sec.	Area.	Sec.	Area.
28	124.82	30	47.21	32	640.80	35	65.03
29	360.00	31	544.61	33	368.33	36	514.18

Variation of the needle, 8° 35 east.

The north and west boundaries were surveyed by Reuben McCarty, deputy surveyor; the east boundary was surveyed by C. C. Stone, deputy surveyor; the south boundary section lines, and traverse, were surveyed by J. G. Berry, deputy surveyor, in the 3d quarter of 1837, under contract of the 18th May, 1837, and paid for in the 4th quarter of 1838, amounting to 92 miles, and 60 chains and 10 links.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, 27th May, 1839.

The above township map has been compared with the field notes on file in this office, and is approved.

(Signed) H. T. WILLIAMS,
Surveyor general, La.

T. 8 N., R. 8 East.

Contents of that part of township 8 north, range 8 east, included in the Bringier claim.

Section.	Area.
31	160.00

Variation of the needle, 8° 35 east.

The southeast and west boundaries were run by C. C. Stone, deputy surveyor; the north boundary, section lines, and traverse, were surveyed by J. G. Berry, deputy surveyor, in the 4th quarter of 1837 and 1st quarter of 1838, under contract of the 18th May, 1837, and paid for in the 4th quarter of 1838, amounting to 66 miles, 45 chains and 25 links.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, 27th May, 1839.

The above township map has been compared with the field notes on file in this office, and is approved.

(Signed) H. T. WILLIAMS,
Surveyor general, La

LAND OFFICE AT OUACHITA, LA.,
September 13th, 1845.

I do hereby certify, that the above and foregoing are true copies from the notes of the surveyor, and approval of the surveyor general, and the certificates of receipts, as taken from the several township plats herein above stated on file in this office, and not placed on the copy of the township maps for want of room.

(Signed) D. B. RICHARDSON, *Register*.

And further, on the 10th day of March, 1846, the counsel for the respondents offered in evidence a certain document marked A, No. 6, being a map containing certain township plats, together with the notes in reference thereto; which map and notes are as follows:

Received and filed in office, 12th January, 1843.
(Signed) HENRY O. McENERY, *Register*.

Offered, pursuant to law and instructions, 25th October, 1843.
(Signed) HENRY O. McENERY, *Register*.

[For plat see original.]

Entries made in township 7 north, range 7 east, as follows, to wit:

No. 7,915, made by William D. Adams, 21st August, 1843, being the northeast quarter section 10.

No. 7,931, made by Asa Hawthorn, 13th September, 1843, being the northwest quarter section 10.

No. 7,932, made by Frederick J. Bowie, 14th September, 1843, which is patented, being southwest quarter section 2.

No. 7,933, made by Richard Smith, 14th September, 1843, being southwest quarter section 24.

No. 7,934, made by Joseph Tyree, 14th September, 1843, being northwest quarter section 24. All the above tracts and entries in township 7 north, range 7 east.

No. 3,797, being lot No. 5 in section 36, township 8 north, range 6 east, was made by Williams Nicholls & Theodore O. Starke, the 24th October, 1836.

I certify that this map, together with the entries thereon, and above mentioned, is correctly taken from the original maps and records on file in the register's office at Ouachita, Louisiana.

Given under my hand, this 13th September, A. D. 1845.

D. B. RICHARDSON, *Register*.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, May 21st, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.

(Signed) J. D. NEWCOMB,
Surveyor general, La.

LAND OFFICE AT OUACHITA, LA.,
September 13th, 1845.

I certify that the above certificate is a true copy from the original on file in this office, and also the same as above, approving township maps 7 and 8, ranges 6 and 8.

(Signed) D. B. RICHARDSON, *Register*.

Received in office, and filed June 2d, 1842.

(Signed) HENRY O. McENERY, *Register*.

Offered, pursuant to law and instructions, on the 26th of October, 1843.

(Signed) HENRY O. McENERY, *Register*.

Contents of the public lands in township 7 north, range 7 east.

Section.	Area.	Section.	Area.	Section.	Area.
1	653.80	13	462.00	25	644.40
2	598.43	14	221.00	26	442.45
3	573.90	15	433.24	27	323.55
4	618.97	16	487.46	28	362.38
5	638.44	17	190.00	29	604.80
6	119.71	18	434.32	30	634.52
7	579.55	19	403.66	31	340.02
8	638.60	20	130.78	32	610.24
9	639.20	21	1.62	33	639.20
10	569.10	22	420.32	34	639.40
11	642.00	23	506.60	35	638.80
12	645.60	24	610.50	36	642.00
					6,521.76
					4,301.50
					6,917.30
			Total area	–	17,740.56

Claimants' names.	No. of certificate.	Section.	Area.
John Henry - -	B, No. 1,775 - -	37	573.93
John Henry - -	Sutton's rep's, No. 77 -	38	179.22

Variation of the needle, 8° 45′ east.

The north, south, east, and part of the west boundary of this township, were surveyed in the years 1813, 1814, and 1815, by C. C. Stone, deputy surveyor; the north boundary was surveyed in the third quarter of 1837 by J. G. Berry, deputy surveyor; the west, south, and east boundaries, section lines, claims, and traverse, were surveyed in the 1st quarter of 1838, by J. N. Walker, deputy surveyor, under contract of the 16th January, 1838.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, May 21st, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.

(Signed) J. D. NEWCOMB,
Surveyor general, La.

Contents of that part of township 8 north, range 6 east, included in the Bringier claim.

Section.	Area.
36	107.90

All of this township was surveyed by Reuben McCarty, deputy surveyor, in the fall and winter of 1829.

SURVEYOR GENERAL'S OFFICE,
Washington, Mississippi, 17th February, 1830.

Examined and approved.
(Signed) JAMES P. TURNER,
Surveyor of the public lands south of Tennessee.

T. 7, R. 8 E.

Contents of that part of township 7 north, range 8 east, included in the Bringier claim.

Sec.	Area.	Sec.	Area.	Sec.	Area.	Sec.	Area.	Sec.	Area.	Sec.	Area.
6	322.80	7	322.20	18	320.00	19	319.00	30	319.00	31	318.40

Variation of the needle, 8° 15 east.

The west boundary of this township was surveyed in the 1st quarter of 1838, by J. N. Walker, deputy surveyor, under contract of the 16th January, 1838; the north boundary was surveyed in the year 1815 by C. C. Stone, deputy surveyor; the south and east boundaries, section lines, and traverse, were surveyed in the 1st quarter of 1841 by J. G. Berry, deputy surveyor, under contract of the 17th March, 1840. The east boundary was originally run in 1814 by C. C. Stone, deputy surveyor, and the south boundary by the same surveyor in 1814.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, May 18th, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.
(Signed) F. D. NEWCOMB,
Surveyor general, La.

Received the 17th February, 1842; offered at public sale, pursuant to law and instructions, on the 25 of October, 1843.
(Signed) HENRY O. McENERY, *Register.*

T. 7 N., R. 6 E.

Contents of that part of township 7 north, range 6 east, included in Bringier claim.

Sec.	Area.	Sec.	Area.	Sec.	Area.	Sec.	Area.
1	139.34	12	630.62	14	188.62	24	639.40
11	63.40	13	635.92	23	134.25	25	329.12

John Henry, sec. 44, B. 1,755, area 316.32. Variation of the needle, 8° 45 east.

The north boundary of this township was surveyed in November, 1829, by Reuben McCarty, deputy surveyor; the southeast and west boundaries, section lines, and traverse, and part of the claims, were surveyed in the 1st quarter of 1838 by J. N. Walker, deputy surveyor, under contract of the 16th January, 1838. Sections 42 and 43 were surveyed by H. W. McDaniel; section 45 was surveyed by James McCoy, deputy surveyor.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, February 9th, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.

(Signed) F. D. NEWCOMB.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, February 10th, 1842.

The above is a true copy of the original township map now on file in this office.

(Signed) F. D. NEWCOMB, *Surv. Gen.*

LAND OFFICE AT OUACHITA, LA.,
September 13th, 1845.

I certify, that the above and foregoing are true copies from the notes of the surveyor, and approval of the surveyor general, and the certificates of receipt by the register, as taken from the original [of] several township plats, herein above stated on file in this office, and not placed on the copy of the township maps for want of room.

(Signed) D. B. RICHARDSON, *Register*.

And further, on the 10th day of March, 1846, the following note of the evidence offered by the United States district attorney was made by the clerk, which is in the words and figures following, to wit:

The U. S. district attorney further gave in evidence a copy of a letter from R. Garland to the commissioner of the land office at Ouachita, marked A, No. 4.

And a certificate, showing the amount of lands sold by the United States from a portion of this claim, marked A, No. 5.

And a similar paper relating to another portion of this claim, marked A, No. 6.

And an application to the land office, in 1837, by Canterbury and Mooney, marked A, No. 7. This objected to by counsel for petitioners on the same grounds as the sheriff's deed, (marked A, No. 2,) and placed on file on the same terms as said sheriff's deed.

And further, on the 10th day of March, 1846, the counsel for the respondents offered in evidence a certain document, marked A, No. 7, which is an application to [the] land office by Canterbury and Mooney, and is in the words and figures following, to wit:

No. 72. To the register and receiver of public moneys at the land office at Monroe, in the State of Louisiana, the notice of the claim of James Mooney and Phillip Canterbury, tutor of the minors, Mary Jane and Emma Bastable, respectfully show:

That your claimants are the owners, by the conveyances herewith exhibited to you, of forty thousand arpents of land, surveyed by the Spanish government of Louisiana for Don Louis Bringier, and the location of which the plat herewith submitted, copied by his excellency Gov. White from documents before Congress, exhibited.

They pray that their notice, and documents in support of the claim,

may be recorded in this office, in pursuance of an act of Congress approved the 6th of February, 1835; that the claim may be reported by your board to the next session of Congress; and that you would do whatever else may be useful and necessary in the case. As in duty bound, &c.

(Signed,) PHILLIP CANTERBURY,
JAMES MOONEY.

LAND OFFICE AT OUACHITA, LA.,
September 16th, 1845.

I certify the above to be a true and correct copy from the original on file in this office.

(Signed,) D. B. RICHARDSON,
Register of the land office at Ouachita, La.

Copy of certificates filed with Mooney's and Canterbury's application in 1837.

I, John Ward Gurly, register of the land office in the eastern district of the territory of Orleans, do certify, to all persons whom it may concern, that the above named Carlos Trudeau, as appears by the archives in my office, which was delivered by the Spanish government to the American, was, during the year 1796, and long before that period, down to the time of the delivery of the possessions of Louisiana to the United States, surveyor general of the province of Louisiana, under the government of Spain, and that his acts in that capacity are to be considered as authentic.

LAND OFFICE AT NEW ORLEANS,
3d of January, 1808.

By William C. C. Claiborne, governor of the Territory of Orleans:

I do hereby certify, that J. W. Gurly, whose name is above signed, is register of the land office in the eastern district of the Territory of Orleans.

Given under my hand and seal of Territory of Orleans, this third day of January, 1808, and in the 32d year of the independence of the United States.

[SEAL.]

(Signed,) W. C. C. CLAIBORNE.

Referred to the committee on the private lands, January 15th, 1816.

The above was copied by me, from the documents in the archives of Congress, for Mr. Mooney.

(Signed,) E. D. WHITE.

January 29th 1837.

Louisiana, in the year 1796, port of Ouachita.

Extracted from the papers of Laveau Trudeau, deposited among the archives of the surveyor general of the State of Louisiana, bundle M, No. 137.

(Signed,) BOUCHON.

[For map, see original.]

LAND OFFICE AT OUACHITA, LA.

I do hereby certify, that this plat is truly and correctly taken from the original on file in this office, as witness my hand, this 16th day of September, A. D. 1845.

(Signed,) D. B. RICHARDSON, *Register.*

I, Don Charles Trudeau, surveyor general, &c., certify and declare, that, in the presence of Don Louis Bringier, with the concurrence of Don Marius Bringier, also present, (father of the said interested party,) a lot of forty thousand surveyed acres, Paris measure, agreeing with the agrarian measure of this province, was ascertained in favor of said Louis Bringier; which said lot is situated in the post of Ouachita, upon the left bank or eastern bank of the river Negro, bounded on the northern part by the banks of the bayou Tensas and vacant lands; on the western part by the before mentioned river Negro; and on the other sides by vacant lands in the dominion of his majesty. The whole more fully demonstrated in the above plan, in which are set forth the dimensions and admeasurement of said limits in lineal perches, and by trees and notices, as well as by natural and artificial confines, &c. This survey was made at the request of the party interested, and by virtue of an order of his excellency the governor general, the Baron of Carondelet, to all of which I give faith; and that it may be serviceable, I give these presents, with the drawn plan above, this 4th of September, 1796, certified by the present surveyor general, by a certified copy conformable to the original, delivered to the interested party, in order to the completion of his title. Dated as above.

(Signed,) CARLOS TRUDEAU,
Surveyor general.

A certified copy of the original, by the undersigned surveyor general of the State of Louisiana, given at New Orleans, the 28th of December, 1820, and the forty-fifth [year] of the independence of the United States of America.

(Signed) BOUCHON.

I acknowledge to have received from the hand of Mr. C. N. Bouchon, surveyor general of the State of Louisiana, the original of the above piece, a copy of which has been above transcribed, and it having been delivered.

(Signed) BARON, JR.

New Orleans, 29th December, 1820.

I certify the foregoing survey and process verbal to be an exact copy of the original deposited in bundle M, No. 137, amongst the records of the surveyor general's office under my charge. In testimony whereof I have hereunto set my hand, and the seal of my office, in the city of New Orleans, this 25th of March, in the 1831 year of our Lord, and the fifty-fifth of the independence of the United States of America.

(Signed) LS. BRINGIER, *Surveyor general.*

I certify this to be a true translation of the annexed document.
(Signed) CIT. H. HOWARD.
New Orleans, 4th April, 1831.

I certify the above and foregoing certificates to be a true and correct copies from the originals on file in the register's office at Ouachita, Louisiana. Given under my hand, this 20th day of September, A. D. 1845.

(Signed) D. B. RICHARDSON,
Register of land office, Ouachita, La.

By the President of the United States.

In pursuance of law, I, John Tyler, president of the United States of America, do hereby declare and make known, that public sales will be held at the undermentioned land offices in the State of Louisiana, at the periods hereinafter designated, to wit:

At the land office at Ouachita, commencing on Monday, the twenty-third day of October next, for the disposal of the unappropriated vacant public lands to which no "private claims" are alleged under existing laws, within the limits of the undermentioned townships and parts of townships, viz:

North of the 31st degree of latitude, and east of the meridians—
Township six, of range three.
Township four, five, and six, of range four.
Township five, six, and seven, of range five.
Township seven, of range six.
Township four, five, six, and seven, of range seven.
Township five, six, seven, and fourteen, of range eight.
Township fifteen, of range nine.
Township fifteen and sixteen, of range ten.
Township thirteen and fifteen, of range eleven.
Fractional township twenty-three, of range thirteen.

Section twenty-seven; the east half of the north-west quarter and south half of section twenty-eight; the west half of the north-east quarter, the north-west quarter, the west half of the south-west quarter, and the east half of the south east quarter of section thirty-three; sections thirty-four, thirty-six, and thirty-seven; the north half of section thirty-eight; sections forty, forty-two, and forty-four; lots seven and eight, in section forty-five; section forty-six, except lots three, four, and five; section forty-seven; section forty-eight, except lots two, three, six, seven, eleven, twelve, thirteen, and fourteen; sections forty-nine, fifty, and fifty-two, in township thirteen, of range twelve; the west half of the north-east quarter of section eight, in township six, of range six; and the west half of the north-west quarter of section twenty-three, in township eleven, of range ten. Given under my hand, at the city of Washington, this 8th day of June, A. D. 1843.

By the president.
(Signed) JOHN TYLER.
THOMAS H. BLAKE,
Commissioner of General Land Office.

I do hereby certify, that the above extract of a proclamation is a true and correct copy from the original on file in the register's office at Ouachita, Louisiana.

Given under my hand this 20th day of September, A. D. 1845.

(Signed) D. B. RICHARDSON,
Register of the land office at Ouachita, La.

And on the 10th day of March, 1846, the following entry was made on the minutes, to wit:

TUESDAY, *March* 10, 1846.

Present, the Hon. T. H. McCaleb.

CURRY & GARLAND
vs.
THE UNITED STATES.

The trial of this cause was resumed, and further testimony offered on behalf of respondents.

And on the 11th day of March, 1846, the counsel for respondents offered in evidence the testimony of G. Mayo, which is contained in document marked M, and is in the words and figures following, to wit:

Wednesday, *March* 11, 1846.

Present, Hon. T. H. McCaleb.

George Mayo, being duly sworn in open court on behalf of respondents, deposes, that he never observed any mound at the junction of Tensas, Little river, and Washita rivers, on the east side, below the entrance of the Tensas into the Washita. There is perhaps the highest mound witness ever saw on the opposite side of Black river, below the mouth of Little river; said mound is 30 or 35 feet high. There are several other smaller mounds, also, on the western side of Black river. Being shown map marked E, witness says the relative positions of the Washita and Bayou Catahoula (or Little river) are correctly laid down on said map. Being shown Doc. BB, witness says that the mouth of the Tensas is considerably higher up than the Bayou Catahoula, and not opposite each other as represented on said map BB; thinks the difference is 3 or 400 yards. The relative positions of the Washita and Bayou Catahoula (or Little river) are not correctly laid down on map BB; on said map they recede from each other too far. About five or six miles above the mouth of Tensas, a little above Mr. Perey's place, Brushy bayou empties into the Tensas. Witness says the spelling "Catautlou," on map BB, is different from any spelling of the name of that river which he has ever seen in old land titles; and he has seen the said river and its name on 2 or 3 old land titles.

Witness has a plantation in the neighborhood of this claim, on the west side of Black river, opposite the land in dispute. He has resided in that parish upwards of 15 years. Is now a member of the State Senate from that parish (Catahoula.) He has never examined the land in dispute, and does not know whether any old Spanish survey was

made in Black river. If this tract had been surveyed, and the lines of survey marked, he would not probably have observed them. He does not remember ever to have heard of any Spanish survey in that neighborhood.

Witness has a claim on the S. W. $\frac{1}{4}$ of Sec. 31, T. 8 N., R. 8 E. He has never been on the land so claimed. He never heard of any survey of any Spanish claim made there, except that made by Stewart and set forth in Doc. E. The land in dispute is in the present parish of Concordia, and under the old constitution in the county of Concordia.

Witness has always understood that Concordia was in a different post from Washita. This Concordia was under the commandancy of Vidal.

Witness does not know how he obtained his information or impression; he thinks that his testimony on this point should have but little weight.

Judge Curry (for himself and Judge Garland) relinquished, in 1842 or '3, to witness, all claim to the $\frac{1}{4}$ sec. of Sec. 31, T. 8 N, R. 8 E., above mentioned.

And further, on the 10th day of March 1846, the counsel for petitioners offered in evidence the testimony of J. L. Daniel contained in document marked M, which is in the words and figures following, to wit:

J. L. Daniel, being called on behalf of petitioners, and being duly sworn in open court, deposes, that he was receiver in the land office at Opelousas, and is acquainted with the Creole population in that part of the State. Many of the old Creoles pronounce the name now written "Catahoula," as if it were spelt "Catahoulou."

And further, on the 10th day of March, 1846, the counsel for respondents offered in evidence the testimony of Ls. Bringier, contained in document M, which is in the words and figures following, to wit:

Tuesday, March 10th, 1846.

Present, Hon. T. H. McCaleb.

Louis Bringier, being called by the U. S. district attorney to be further examined in relation to the matters stated in his affidavit on file, and being duly sworn in open court, deposes, that he does not know whether or not a written grant of the land in dispute was ever made. In 1795 or 1796, early in the season Governor Carondelet, and Don André Lopez Armisto, and the father of witness were conversing at the house of witness's father. The latter complained that the *expenses* had frequently taken his horses and never returned them, but lost them. After a good deal of conversation, the Governor offered to give witness's father lands in remuneration for the horses. But witness's father replied, that he did not want land; he had enough already. The Governor then said, "let me give it to your son," (viz., the witness,) who was then standing by. Witness does not know what his father then replied. The Governor then asked for pen, ink, and paper. The said persons then got into conversation; but witness was at that moment called away, and did not hear what they said. When witness returned,

they were taking notes; witness does not know what those notes were. The Governor then tapped witness on the shoulder, and said to Armisto, his secretary, "Give him enough to make a baron of him." Witness did not hear any quantity specified. Witness was at that time 12 or 13 years old. He has never seen or heard of any written grant to this land, other than herein spoken of. Witness first got the plat marked BB after he became of age. When the account for the survey was presented to witness's father, he refused the papers, because the costs were enormous. Witness only knows this from having heard it; he was at the North at school at the time. After witness became of age, Mr. Trudeau annoyed him for the money, alleging that he had made the expedition at his own expense. To get rid of this annoyance, witness paid the account. This payment was made about 1806 or '7, the witness then having been emancipated by an act of the legislature. Mr. Trudeau then gave witness the original survey. Being shown Doc. C, annexed to the deposition of Thos. Gilpin, witness says, Trudeau always kept a copy of any original which he issued. At the time Trudeau gave witness the papers, witness was very busy, and did not know exactly what was given him. It was a bundle of papers. Witness does not believe the order was among the papers given him by Trudeau.

Witness being asked how he obtained document C, attached to the deposition of Thomas Gilpin, says, it was among the papers of Laveau Trudeau purchased by the State of Louisiana. Witness wrote to Mr. Bouchon (who was surveyor general before witness) for a plot of the land, and Mr. Bouchon sent him document C.

Witness being shown document B B, says, that it is the original, and that the endorsement thereon "titre appartenant à Louis Bringier" is in the handwriting of witness's father; that document B B was in the possession of witness's father after witness became of age.

Witness further states, that when any document is wore out in his office, he makes a copy of it with the original dates, and that Trudeau did the same, and that all the surveyors do the same, as witness believes.

And further, on the 11th day of March, 1846, the counsel for respondents offered in evidence a certain document, marked A, No. 8, which is in the words and figures following, to wit:

"Copy."

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, May 20th, 1846.

SIR: In pursuance of the request of the Governor of the State of Louisiana, and instructions from the Commissioner of the General Land Office, I have to request that you will withhold from sale, to be appropriated for the support of a seminary of learning, in the State of Louisiana, under the act of Congress of the third March, 1827, subject to the final approval of the Secretary of the Treasury, the following described land, to wit:

In township 21, R. 12 E., district north of Red river, Louisiana.

Section.		Acres.
No 22	Containing - - - - -	164.99
No. 23	Do - - - - -	162.90
No. 24	Do - - - - -	166.27
No. 25	Do - - - - -	169.88
No. 26	Do - - - - -	162.67
No. 27	Do - - - - -	164.18
No. 28	Do - - - - -	164.64
No. 29	Do - - - - -	167.72
No. 36	Do - - - - -	165.46
No. 35	Do - - - - -	165.11
No. 34	Do - - - - -	165.02
No. 33	Do - - - - -	163.70
No. 30	Do - - - - -	167.06
No. 31	Do - - - - -	167.42
No. 32	Do - - - - -	170.23
In township 5 N., range 7 E., district north of Red river, Louisiana.		
N. E. and N. W. fraction quarters of section 19, containing		282.90
That part of section 2 on east side of Black river - -		231.40
N. W. fractional quarter section 11, containing - -		159.00
North fractional half section 10, containing - -		255.70
North fractional half section 9, containing - - -		274.60
That part of section 4, on south side Black river - -		7.20
That part of section 5, on south side Black river - -		295.60
That part of section 6, on south side Black river - -		300.20
In township 6 N., range 7 E.		
S. W. quarter of section 1 - - - -		151.50
Section No. 2 - - - - - -		606.80
That part of section 11, on north side of lake - -		326.20
That part of section 12, on east side of lake - -		370.90
That part of section 8, on east side Black river - -		275.90
That part of section 17, on east side Black river - -		575.10
That part of section 18, on east side Black river - -		131.90
Section No. 19 - - - - - -		605.80
That part of section 13, on east side of lake - -		80.95
That part of section 24, on east side of lake - -		402.00
That part of section 23, on southeast side of lake - -		24.50
That part of section 26, on north side Black river - -		532.20
That part of section 27, on north side Black river - -		349.50
That part of section 35, on east side Black river - -		134.70
		8860.40

Very respectfully, your obedient servant,

H. T. WILLIAMS, *Surveyor General, La.*

DOC. DABBS, *Register, land office Munroe, La.*

LAND OFFICE AT OUACHITA, LA.,
October 24th, 1845.

I do hereby certify, that the foregoing letter of proposed selections for seminary purposes from the surveyor general of Louisiana, to the register of the land office at Ouachita, Munroe, Louisiana, is a true and correct copy from the original on file in this office.

Signed, D. B. RICHARDSON, *Register*.

And further, on the 11th day of March, 1846, the counsel for respondents offered in evidence a certain document, marked A, No. 9, which is in the words and figures following, to wit:

LAND OFFICE AT OUACHITA, LA.
July 13th, 1845.

SIR: We find on the files of this office a list of selections, dated 20th of May, 1840, made by Col. H. T. Williams, (then) surveyor general of Louisiana, for lands for the use of a seminary of learning, a copy of which is herewith transmitted; the selections to which we ask your attention to now, are those made in township 5 and 6, range 7 east, as those townships are proclaimed for sale in October next; we observe by letter from your department of June 27th, 1840, to this office, that reference is made to the list of selections transmitted by the surveyor general of the 20th May, 1840, in the above named townships, and as the plats were not then received, the selections could not be finally acted upon; we find that nearly all of those selections in townships 5 and 6, range 7 east, are claimed by pre-emptors under the acts of 1838, 1840, and 1841; the claimants under the latter act, that where they commenced their settlements prior to the 12th January last, that they are entitled to a preference over the seminary selections. The plats of those townships were placed on file in the register's office on that day; all the settlers contend that they were entirely ignorant of any such selections being made, or they would not have settled on the lands in question. They are in hopes that the honorable the Secretary of the Treasury will not approve of the selections, as there can be found an abundance of land of equal quality that can be selected in its stead. We are aware that many of them have improved their settlements to such an extent that it is a great hardship for them to lose them.

You will please instruct us in the matter as you may deem proper, at as early a period as practicable, as the claimants are very anxious to ascertain from this office your decision thereon.

We are respectfully, your obt. servts.
HENRY O. McENERY, *Register*,
H. HOLMES, *Receiver*,
Land office at Ouachita, La.

Hon. THOMAS H. BLAKE,
Commr. Genl. Land Office,
Washington City.

October 24th, 1845.

I do hereby certify, that the within and foregoing letter, from the register and receiver of the land office at Ouachita, to the Commissioner of the General Land Office, is a true and correct copy from the original on file in this office.

(Signed) D. B. RICHARDSON, *Register*.

And further, on the 11th day of March, 1846, the counsel for respondents offered in evidence a certain document marked A, No. 10, which is in the words and figures following, to wit:

Copy.

GENERAL LAND OFFICE,
August 3d, 1843.

GENTLEMEN: Your letter of the 13 ultimo has been received, in which you enclose a copy of the list of selections made by Col. Williams, the agent of the State of Louisiana, for seminary purposes, on the 20th of May, 1840; and call my attention to that portion of them, in T. 5 and 6, R. 7 E., as being nearly all claimed by pre emptors under the acts of 1838, 1840, and 1841. The plats of these townships you represent to have been filed with the register on the 12th of January last, and that the townships are embraced in the proclamation for a public sale in October next.

The seminary selections in these townships are to be considered in the same situation in regard to the claims of pre-emptors as those mentioned in my letter of the 20th of July, 1842, that is, they are "considered as subject to the claim of such pre-emptors as can substantiate them under the acts of 1830, 1834, and the 4th of September, 1841, and no others."

For the reasons given in my letter to you of the second of November, 1842, (in which you were advised of the illegality of the entry made by Neily, on one of the tracts selected for the seminary in February, 1842,) these lands are not considered as subject to entry under the pre-emption law of 1838, neither are they under the law of 1840, supplemental to it, as the latter extends the provisions of the former to all settlers on the public lands at its date "with the same exceptions, whether general or special, and subject to all the limitations and conditions" of the act of 1838.

You have already been advised that the attention of the Governor of Louisiana was called to so much of your letter of the 29th of September last as looked to a relinquishment by the State of a portion of their seminary selections, so "far as they may be found to conflict with the claims of pre-emptors under the aforesaid act of 1838." Not having received any intimation of the views of the Governor in relation to this subject, it only remains for this office to protect the selections, made in pursuance of existing laws, against all entries other than valid ones, under the aforesaid acts of 1830, 1834, and the 4th September, 1841.

The seminary selections in any of the townships embraced in the

proclamation of the 8th of June last, are in general terms excluded from sale by it, and as a matter of course none of them will be offered by you in October next. Very respectfully, your obt. servt.

(Signed) THOS. H. BLAKE,
Commissioner.

THE REGISTER AND RECEIVER,
Land office Ouachita, La.

LAND OFFICE AT OUACHITA, LA.,
October 24th, 1845.

I do hereby certify, that the above and foregoing letter, from the Commissioner of the General Land Office to the register and receiver at Ouachita, La., is a true and correct copy from the original on file in this office.

(Signed) D. B. RICHARDSON, *Register.*

And further, on the 11th day of March, 1846, the counsel for respondents offered in evidence a certain document, marked A, No. 11, which document is a map and notes from the surveyor's office, and said document is in the words and figures following, to wit:

[For map marked A, No. 11, see original.]

Township 6, range 7 east, district north of Red river, Louisiana.

The N. E. $\frac{1}{4}$ section 20, No. 7,924, was entered by Pleasant H. Prater on the 1st September, 1843, and the N. W. $\frac{1}{4}$, same section, No. 7,925, was entered by the heirs of John W. Prater, deceased, on the 1st September, 1843. Those tracts on which "seminary lands" are written above on the face of the map, were selected on the 20th May, 1840.

I do hereby certify, that the above map, entries, and seminary selections, are truly and correctly taken from the original maps and records on file in the register's office at Ouachita, La.

Given under my hand, this 13th day of September, A. D. 1845.

D. B. RICHARDSON, *Register.*

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, Dec. 8th, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.

(Signed) T. D. NEWCOMB,
Surveyor general, La.

Received and filed the 12th January, 1843.

(Signed) HENRY O. McENERY, *Register.*

All of this township not claimed by Garland and Curry, under Bringier, claim of John Henry, and that covered by seminary claims that was vacant, was offered at public sale on the 25th October, 1843, pursuant to the executive proclamation of the 8th of June, 1843.

(Signed) HENRY O. McENERY, *Register.*

T. 6 N., R. 7 E. *Contents of that part of township 6 N., range 7 E., included in the Bringier claim.*

Sec.	Area.	Sec.	Area.	Sec.	Area.
1	606.00	10	637.52	17	575.10
2	606.80	11	386.20	18	131.90
3	607.04	12	431.40	19	606.00
4	611.12	13	396.55	20	641.60
5	259.20	14	391.83	21	638.40
8	275.90	15	638.10	22	630.40
9	637.20	16	637.20	23	420.55
				24	446.80

Private claim.

Name.	No. of certificate.	Sec.	Area.
John Henry - -	Sutton reps. No. 77	37	431.83

Variation of the needle 8° 35 E.

The north and west boundaries, and claim of John Henry, were surveyed in the 1st quarter of 1838 by J. N. Walker, D. S. The balance of the township was surveyed in the year 1839 by Geo. B. Stuart, D. S., under contract of the 25th October, 1837. Note.—The dotted lines represent the claim of Josiah Pricket, cert. B, No. 1,923, as surveyed by Geo. B. Stuart; but as the claim has already been located in T. 9 and 10 N., R. 6 E., it is not laid down on this map; the owners, however, protest against any part of this land being disposed of by the Government.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, Dec. 8th, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.

Signed, F. D. NEWCOMB,
Surveyor General, La.

Received and filed in register's office, June 22d, 1842.
(Signed) HENRY O. McENERY, *Register.*

Offered 26th October, 1843, pursuant to law and instructions.
(Signed) HENRY O. McENERY, *Register.*

T. 6 N., R. 8 E. *Contents of that part of township* 6 *N., range* 8 *E., included in the Bringier claim.*

Sec.	Area.	Sec.	Area.	Sec.	Area.	Sec.	Area.
6	303.35	7	326.80	18	305.03	19	323.20

Variation of the needle 8° 15 E.

The west boundary of the township was surveyed by G. B. Stewart, deputy surveyor, in the year 1839, under contract of October 25th, 1837. The north, south, and east boundaries, section lines, and traverse, were surveyed in the 1st quarter of 1841 by J. G. Berry, deputy surveyor, under contract of 17 March, 1840. The east boundary was formerly run by Thomas Owens, deputy surveyor. The north boundary was formerly run by C. C. Stone, deputy surveyor.

SURVEYOR GENERAL'S OFFICE,
Donaldsonville, May, 1842.

The above township map has been examined and compared with the field notes thereof on file in this office, and is approved.

(Signed) F. D. NEWCOMB,
Surveyor General, La.

LAND OFFICE AT OUACHITA, LA.,
September 13th, 1845.

I do hereby certify, that the above and foregoing are true copies from the notes of the surveyor and approval of the surveyor general, and the certificates of receipts by the register as taken from the several township plats herein above stated on file in this office, and not placed on the copies of the township maps for want of room.

(Signed) D. B. RICHARDSON, *Register*.

And on the 11th day of March, 1846, the following entry was made on the minutes, to wit:

Wednesday, March 11, 1846.

Present, the Hon. T. H. McCaleb.

CURRY and GARLAND
vs.
THE UNITED STATES.

This cause was now argued by Messrs. Hamner and Bullard for petitioners, and the United States attorney for respondents, and taken under consideration by the court.

And on the 10th day of March, A. D. 1846, the counsel for the respondents offered in evidence a certain document, marked "Aa," which is in the words and figures following, to wit:

Dated of Approval.		Sec.	Town.	Range.	Quantity.
March 27th, 1844	That part north of Black river -	26	6 N.	7 E.	532.20
" " "	do. do. -	27	6 "	7 "	349.50
" " "	Lots 5 and 8, east of Black river	35	6 "	7 "	43.00

LOUISIANA LAND OFFICE, *May 1st*, 1846.

I hereby certify, that the foregoing tracts of land appear, from a tabular statement furnished by the commissioner general of the land office, and on file in this office, to be all the lands approved to the State by the Secretary of the Treasury, under the act of 3d March, 1827, in township six north, range 7 east, district north of Red river; and that there appears to be no land, from said tabular statement, approved to the State under the act above referred to, in township 6, range eight east, nor in townships seven and eight east, ranges seven and eight east, district north of Red river.

In witness whereof, I hereunto subscribe my name and affix the im-
[SEAL.] press of the seal of the land office.

(Signed) ROBERT J. KER,
Register.

Schedule Aa, exhibiting the quantity of land sold, or otherwise disposed of, by the United States, within the limits of the land claimed and confirmed to Thomas Curry and Rice Garland:

	Acres.
Quantity of land sold at the land office at Ouachita, see certificate of register on file, - - - - -	4,106.20
The claim of John Henry, confirmed, see certificate on file,	1,000.00
The claim of the State of Louisiana, for seminary lands, confirmed, see certificate of Robert J. Ker, register, -	924.70
	6,030.90
One moiety to each of petitioners, - - -	3,015.45

And on the second day of May, A. D. 1846, the following judgment was entered on the minutes, to wit:

SATURDAY, *May 2d*, 1846.

Present, Hon. Theo. H. McCaleb.

CURRY AND GARLAND vs. THE UNITED STATES. } No. 1.

The court having taken this cause under consideration, and having duly considered the evidence and the arguments thereon, and being satisfied of the justice of the claim of the petitioners, doth now order, adjudge, and decree, that the petitioners, Thomas Curry and Rice Garland,

have judgment confirming to them the grant of land made by the Baron de Carondelet to Louis Bringier, as set forth and described in their petition, and the same is hereby confirmed, to wit: A tract of land of forty thousand arpents, situated on the eastern bank of Black river, in the parish of Concordia, and bounded on the north partly by the Bayou Tensas and partly by vacant lands; and on the west by the said Black river, as shown by the survey made by the surveyor general of the province of Louisiana, dated the 4th of September, 1796, and filed among the exhibits of this cause.

And it appearing to the court that the United States have sold or otherwise disposed of six thousand and thirty acres and nine-tenths of an acre of the land embraced originally within the limits of said grant, as more specifically shown by the schedule marked Aa, filed among the exhibits of the cause; it is therefore further ordered and decreed, that the petitioners are entitled, and they are hereby authorized and permitted, to enter, after the same shall have been offered at public sale, the like quantity of land in any office of the United States in the State of Louisiana, in parcels conformable to sectional divisions and sub-divisions; that is to say, the said Thomas Curry three thousand and fifteen acres and nine-twentieths of an acre, (3,015 $\frac{9}{20}$); and the said Rice Garland three thousand and fifteen acres and nine-twentieths of an acre; each one-half of the said quantity of lands, in lieu of the land originally granted and hereby confirmed. And it is further ordered, that the petitioners pay the costs of this suit, to be taxed.

And on the second day of May, A. D. 1846, the following motion for a new trial was entered on the minutes, to wit:

Saturday, May 2d, 1846.

Present, Hon. Theo. H. McCaleb.

CURRY and GARLAND vs. The UNITED STATES. } No. 1.

On motion of S. W. Downs, U. S. district attorney, it is ordered that the petitioners show cause, on Saturday, May 9th, 1846, why a new trial should not be granted in this cause, on the following grounds, to wit:

1st. Because the court decided that the document "C," annexed to the petition, was a true and genuine certified copy, made by Trudeau when he had authority to do so, though the certificate or conclusion of this instrument contains the same date as the original, 1797, and no other; and is therefore to be considered of that date; and the deposition of T. Gilpin shows, (4th interrogatory,) that the paper on which it is written could not have left the mills earlier than the middle of May of that year, (1803,) but may have been made at any time for many years after that date.

2d. Because the decision in one place says, "the court might reasonably presume that an order of survey had been given, upon proof being made that the survey had been actually executed," thereby inti-

mating that the survey had been actually executed; and in another place it says, "it seems to me the verification has been improperly confounded with the survey of the land." Now, the survey was not necessary to confirm, or establish, or ascertain the number of arpents, seeming to assume that no survey was necessary, and that a grant would be presumed either from a verification or from a survey.

3d. Because the decision "refers to the memorandum or order which had been furnished by his (the officer's) guide," when it does not appear from the evidence that there was any such order; for Bringier himself says, when Trudeau gave him the papers, "does not believe that the order was among them," though Trudeau told him it was.

4th. Because the court, in its decision, did not at all notice the fact shown on the record, of an outstanding title in the names of other persons, derived from a sheriff's sale in the case of Bringier vs. his Creditors.

5th. Because the judgment is contrary to the law and the evidence.

Service of said rule accepted.

Signed, W. C. HAMNER,
Attorney for plaintiffs.

And on the 7th day of May, A. D. 1846, the following petition was filed in the clerk's office, to wit:

To the honorable Theodore H. McCaleb, judge of the district court of the United States, for the district of Louisiana.

The petition of Peter Casanova and Gustave Cruzat, who reside in the city of New Orleans, with respect represents: That they are the duly qualified curators of the succession of James Mooney, who departed life in the city of New Orleans, in the year 1840 or 1841; that the said James Mooney, at the time of his death, was the owner of two undivided thirds of forty thousand superficial arpents of land on the east bank of Black river, formerly called Rio Negro, being on the south side, in part of its boundary, on the river Tensas, and which now lies in the parish of Concordia, within the State of Louisiana, and within the jurisdiction of your honorable court; that the said land was granted in the year seventeen hundred and ninety-six, by the Baron de Carondelet, then governor of the province of Louisiana, to Louis Bringier, represented by his father, Don Marius Bringier, in consideration of services rendered by said Marius to the Spanish Government, and that it was regularly located and surveyed by Don Carlos Trudeau, the surveyor general of the province; that, while the said Louis Bringier was the owner of the grant aforesaid, he presented a petition to Congress to have said claim recognised, and made other efforts for that purpose; that, in the year 1827, the said Louis Bringier made a surrender to his creditors of all his property for the payment of his debts; that the cession of his property, including his claim to the aforesaid forty thousand arpents of land, was accepted for the benefit of his creditors; and, in the year 1828, the aforesaid claim was sold by the sheriff by order of court, and Isaac

Lambert, Jonah Barstable, and William Brothers, became the purchasers thereof at said sheriff's sale, and a regular deed and conveyance thereof was made to them by Morgan, sheriff of the parish of Orleans, and the same duly recorded in the office of the clerk of the district court of the first district, on the 27th of June, 1828, in which court the proceedings of surrender by said Bringier were pending; that the said Lambert, by deed, 21st July, 1830, sold his interest of one-third in the said claim to Robert Brand, who sold the same to Marie Adèle Harty, from whom the said James Mooney purchased the said one-third on the 21st of October, 1831; and that the said William Brother sold his portion of one-third, as aforesaid, to the said James Mooney, by deed of July 11th, 1836; which aforesaid deeds, or authenticated copies thereof, will be produced on the trial; that the said James Mooney, after having thus acquired title to the said grant, presented an application for himself, and on the part of Philip Canterbury, tutor of the minors Mary Jane and Emma Barstable, to the register and receiver of the land office at Ouachita, acting as a board of commissioners under the act of Congress of 1835, to have said claim allowed; but that the efforts of said Mooney proved unavailing, and your petitioners have been remediless until the passage of the act of Congress of the 17th of June, 1844, authorizing the institution of suits to ascertain the validity of such grants. Your petitioners aver, that the said Louis Bringier and his father, Marius Bringier, were residents of the province and now State of Louisiana at the time of the aforesaid grants, and before the tenth of March, 1804.

Your petitioners show, that the United States have sold, at various times, different portions of said land to Robert D. Perey, John Fletcher, Pleasant H. Prather, the heirs of John W. Prather, Richard Smith, William D. Adams, Asa H. Hawthorn, Frederick J. Bowie, William Nicholls, and Theodore O. Starke, James Ryon, Thomas Bernard, James H. Stevens, Christian Stevens, and John Henry, amounting to acres, as will appear by the certificate of the register to be produced; and that, for the lands so sold, your petitioners have a right to locate an equal quantity elsewhere in Louisiana.

Your petitioners further shew, that a suit has been instituted, and is now pending, in your honorable court, by Rice Garland and Thomas Curry, against the United States, claiming to have purchased the aforesaid grant from the said Louis Bringier in the year 1841, and demanding judgment in their favor, as owners of said title.

Your petitioners shew, that the said Garland and Curry derived no title whatever by the said conveyance from the said Bringier, who had already parted with all his title and interest thereto; and said Garland and Curry were informed by the said Bringier, and knew at the time of said purchase, of the right and title thereto of the said James Mooney.

Your petitioners pray that a copy of this petition, with a citation, may be served on the United States district attorney for the district of Louisiana, and that your petitioners may, in due course of law, have a judgment in their favor, decreeing the said grant to be good and valid in

their favor, as curators aforesaid, and for the benefit of said succession; and for the land sold as aforesaid they may be permitted to locate elsewhere, according to law, a quantity equal to that sold as aforesaid.

Your petitioners also refer for their evidence to the original title papers, on file in the aforesaid suit of Garland and Curry against the United States; and in case judgment be not already finally rendered in the aforesaid suit of Garland and Curry vs The United States, your petitioners pray that this suit be taken as an intervention on their part, and that the said Garland and Curry be duly notified thereof, and that judgment be rendered in their favor, as curators aforesaid, against the United States, instead of the judgment prayed for by said plaintiffs. And if not permitted to intervene, your petitioners pray that the present suit may stand against the United States alone, and for judgment in their favor in due course of law.

(Signed) R. N. & A. N. OGDEN,
Att'ys for petitioners.

And on the ninth day of May, A. D. 1846, the following entry was made on the minutes, to wit:

SATURDAY, *May 9th*, 1846.

CURRY & GARLAND
vs. } No. 1.
THE UNITED STATES.

Present, the Hon. Theo. H. McCaleb.

The rule for a new trial, taken on the 2d instant, came on for hearing this day, the U. S. attorney appearing for plaintiff in rule, and H. A. Bullard & W. C. Hamner, esqs., for defendants in rule; and after hearing said counsel, the court took the matter under consideration.

And on the 21st day of May, A. D. 1846, the following rule was entered on the minutes to wit:

THURSDAY, *May 21st*, 1846.

CURRY & GARLAND
vs. } No. 1.
THE UNITED STATES.

Present, the Hon. T. H. McCaleb.

On motion of R. N. & A. N. Ogden, of counsel for the curators of James Mooney's estate, it is ordered that the plaintiffs' show cause, on Monday, 25th instant, at 9 o'clock, A. M., why the petition of intervention, filed by said curators, claiming the right to two-thirds of the land sued for by the plaintiffs, under prior title derived from Louis Bringier, should not be admitted, and the same stand over for final decision on the issue to be made between said intervenors and the plaintiffs.

And on the 25th day of May, 1846, the following answer to rule, filed on the 21st of May, 1846, was filed in the clerk's office, to wit:

CURRY & GARLAND
vs.
THE UNITED STATES.

District court of the United States, in and for the district of Louisiana:

In answer to the motion of the curators of Mooney to shew cause why their petition of intervention should not be admitted, and the cause stand over for final decision on the issues to be made between said intervenors and plaintiffs, the plaintiffs for cause shew:

1st. That this motion is novel, irregular, and unprecedented.

2d. That the suit of said pretended intervenors is against the United States, and these plaintiffs have no interest therein.

3d. That plaintiffs have no suit now pending in this court in which an intervention can be made; that the above entitled cause has been tried and adjudged, and judgment entered, setting all questions at issue therein.

4th. That no petition, or citation, has been served upon plaintiffs herein, and they cannot be brought anew into court by motion, as herein attempted.

5th. That intervenors cannot delay a cause, and the judge is bound to pronounce on the intervention at the same time he decides the principal action; now, this is impossible, for the court has decided upon the principal action long before this pretended intervention was heard of.

6th. That suits must have an end; that parties must legally claim their rights; that courts of justice must follow certain and fixed rules, or all rights will be confused and destroyed.

7th. The law under which this cause is decided requires the proceedings to be conducted according to the rules of a court of equity; now, such a proceeding as is attempted here was never known in any court of equity, and is without rule or precedent.

8th. The party claiming as against plaintiffs have a complete remedy at law, and cannot come into a court of equity.

(Signed) H. BULLARD,
W. C. HAMNER,
Att'ys for resp'ts.

And on the 25th day of May, A. D. 1846, the following entry was made on the minutes, to wit:

MONDAY, *May 25th*, 1846.

CURRY and GARLAND
vs. No. 1.
The UNITED STATES.

Present, the Hon. Theo. H. McCaleb.

The rule taken on the 21st instant being called for hearing, A. N. Ogden appeared for plaintiffs in rule, and W. C. Hamner for the defendant in rule; and after hearing arguments of said counsel, the court took the matter under consideration.

And on the 26th day of May, A. D. 1846, the following entry was made on the minutes, to wit:

TUESDAY, *May 26th*, 1846.

CURRY and GARLAND
vs.
The UNITED STATES.

Present, the Hon. Theo. H. McCaleb.

The rule for a new trial in this cause, as taken on the 2d instant, and the rule of the intervenors to show cause why their intervention, filed, should not be admitted and tried, as taken on the 21st instant, having been submitted to the court, and the court having considered the arguments of counsel thereon, and the suggestion of the United States district attorney, that the United States is interested in the decision to be made upon said intervention, it is now ordered that a new trial be granted, and that the said petition of intervention be admitted, and that the trial on said petition of intervention be had contradictorily with the United States and the original petitioners, Curry and Garland.

And on the first day of June, A. D. 1846, the following entry was made on the minutes, to wit:

MONDAY, *June 1st*, 1846.

Present, the honorable Theo. H. McCaleb.

This being the first day of the regular monthly term for the trial of land suits, the issue docket was called, and the following case fixed for trial, viz:

CURRY and GARLAND,
vs.
THE UNITED STATES. } No. 1.

Fixed by the United States attorney for the 15th instant.

And on the 12th day of June, 1846, the following answer to Mooney's heirs' intervention was filed in the clerk's office, to wit:

District court of United States, district of Louisiana.

GARLAND and CURRY,
vs.
THE UNITED STATES, heirs of Mooney, intervenors.

The defendants in this cause, by their attorney, S. W. Downs, for answer to the petition of intervention filed in this cause by the curators of Mooney, repeat and insist on the same defence set up against the plaintiffs, and pray the court, as it is material to the interests of United States, and is the only means of preventing a double recovery on the same original title, if the court should be of opinion that the title is out of the United States, and ought to be confirmed, to decide first, after hearing the parties contradictorily, whether the plaintiffs or the intervenors have

the best title to the land claimed, and to reject and disallow the claim of the other; and for such other and further relief as the nature of the case, and equity and justice, may require.

Signed, S. W. DOWNS,
U. S. att'y, dist. of Louisiana.

And on the 15th day of June, 1846, the following entry was made on the minutes, to wit:

MONDAY, *June 15th*, 1846.

Present, Hon. T. H. McCaleb.

CURRY AND GARLAND,
vs.
THE UNITED STATES.

This being the day for which this cause was fixed for trial, and the judge being engaged in a trial in the circuit court, it is ordered that this cause be continued.

And on the 24th day of June, A. D. 1846, the following consent was filed in the clerk's office, to wit:

District court of United States, in and for Louisiana.

THOMAS CURRY et al.
vs.
THE UNITED STATES, representatives of James Mooney intervening.

It is agreed and stipulated between the plaintiffs and the intervenors, represented by the undersigned, that judgment shall be rendered in this case between the plaintiffs and the United States, as if this intervention had not been filed; that said judgment, whether for or against the validity of the original grant, shall be a bar, and conclusive in favor of the United States, against any future claim or action of said intervenors for the same cause of action.

It is further agreed, that the intervention herein remain open for future adjustment or adjudication between the plaintiffs and intervenors only, as if the same were a distinct action; or in case said intervention be discontinued or dismissed, the said intervenors shall be free to institute any other suit against the plaintiffs for the property in question, and the judgment between the plaintiffs and the United States, if in favor of the former, shall not prejudice such intervention or suit.

Signed, THOMAS CURRY,
W. C. HAMNER,
Att'y for Plff's.

Signed, BENJAMIN & MICON,
For Curators.

Signed, R. ROUSSEAU,
Att'y for Casanova, curator.

Signed, R. N. & A. N. OGDEN,
For Intervenors.

And on the 24th day of June, A. D. 1846, the following rule was entered on the minutes, to wit:

WEDNESDAY, *June 24th*, 1846.

Present, Hon. Theo. H. McCaleb.

CURRY AND GARLAND vs. THE UNITED STATES. } No. 1.

On motion of counsel for plaintiffs, and upon suggesting to the court the curators of the estate of James Mooney, intervenors herein, have agreed that the judgment shall be rendered in this case between the plaintiffs and the United States as if their intervention had not been filed, and that the judgment of this court herein shall be a bar and conclusion in favor of the United States against any future claim or action of said intervenors for the same cause of action; it is ordered by the court that the defendants show cause on the 25th instant, at 9 o'clock, why the order decreeing a new trial should not be set aside and avoided, and the decree heretofore rendered be at once signed by the court, on the ground that said order for a new trial was made for the sole purpose of permitting said parties to intervene and become parties to this suit; that said parties have entered of record an agreement to waive their intervention so far as it conflicts with the action of the court on the issues between plaintiffs and defendants. That said order was made contrary to the rules and practice of a court of equity.

And on the 25th day of June, A. D. 1846, the following entry was made on the minutes, to wit:

Thursday, June 25th, A. D. 1846.

Present, Hon. Theo. H. McCaleb.

CURRY AND GARLAND vs. THE UNITED STATES. } No. 1.

The rule, as taken herein on the 24th instant, to set aside the order granting a new trial, being now called for hearing, W. C. Hamner, esq., appeared for plaintiffs in rule, and the United States attorney for defendant in rule; and after hearing said counsel, it is ordered that said rule be made absolute, and that the intervenors herein, in conformity with their agreement on file, be forever barred and concluded from any further claim or action against the United States for the cause of action set forth in their petition.

And on the 26th day of June, A. D. 1846, the following judgment was engrossed on the petition, and signed by the judge, to wit:

CURRY AND GARLAND vs. THE UNITED STATES.

The court having taken this cause under consideration, and having duly considered the evidence and the arguments thereon, and being

satisfied of the justice of the claim of the petitioners, doth now order, adjudge, and decree that the petitioners, Thomas Curry and Rice Garlard, have judgment confirming to them the grant of land made by the Baron de Carondelet to Louis Bringier, as set forth and described in their petition, and the same is hereby confirmed, to wit: a tract of land of forty thousand (40,000) arpens, situated on the eastern bank of Black river, in the parish of Concordia, and bounded on the north partly by the Bayou Tensas, and partly by vacant lands and on the west by the said Black river, as shown by the surveyor general of the province of Louisiana, dated the 4th of September, 1796, and filed among the exhibits of this cause.

And it appearing to the court that the United States have sold, or otherwise disposed of, six thousand and thirty ($6{,}030\ \frac{9}{10}$) acres and nine tenths of an acre, of the land embraced originally within the limits of said grant, as more specifically shown by the schedule marked Aa, filed among the exhibits of the cause, it is therefore further ordered and decreed, that the petitioners are entitled, and they are hereby authorized and permitted to enter, after the same shall have been offered at public sale, the like quantity of land in any land office of the United States, in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, that is to say, the said Thomas Curry three thousand and fifteen acres and nine-twentieths of an acre ($3{,}015\ \frac{9}{20}$), and the said Rice Garland three thousand and fifteen acres and nine-twentieths of an acre ($3{,}015\ \frac{9}{20}$), each one half of the said quantity of lands, in lieu of the land originally granted and hereby confirmed.

And it is further ordered that the petitioners pay the costs of this suit to be taxed.

Judgment rendered May 2[illegible], 1846.

Judgment signed June 26 [illegible], 1846.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And on the fifth day of November, A. D. 1846, the following petition of appeal was filed in the clerk's office, to wit:

CURRY AND GARLAND
vs.
THE UNITED STATES

To the Hon. T. H. McCaleb, judge of the district court of the United States for the district of Louisiana.

The petitioners the United States respectfully shows, that it is believed there is error in the judgment rendered against them in this honorable court on the twenty-sixth day of June last, 1846, in the matter of Curry and [illegible]and vs. the United States.

Wherefore they pray that your honor may be pleased to allow an appeal to be taken from said judgment to the Supreme Court of the United States.

(Signed) THOMAS J. DURANT, *Atty. U. S.*

Judge's orders thereon.

Let this petition be filed and an appeal granted as prayed for.
(Signed) THEO. H. McCALEB, *U. S. Judge.*

Let the said appeal be returnable on the 2d Monday of January, 1847.
(Signed) THEO. H. McCALEB, *U. S. Judge.*

Let the return day of the appeal in this case be extended to the third Monday of February next, 1847.
(Signed) THEO. H. McCALEB, *U. S. Judge.*

And on the 13th day of February, 1847, the following entry was made on the minutes, to wit:

Saturday, February 13th, 1847.

Present, the Hon. T. H. McCaleb.

CURRY AND GARLAND vs. THE UNITED STATES. } 1.

Upon motion of Thomas J. Durant, United States district attorney, that the land cause No. 1, and entitled as above, appeal has been granted from the judgment rendered therein to the Supreme Court of the United States, at Washington, and that the said appeal has been made returnable on a subsequent day during the present session of the Supreme Court, and not on the first day of said term, as the practice generally is; to the end that said case of appeal might have its chance of being tried during the present session; and as no object will be gained by issuing citation to the appellees, directing them to appear at any other time than on the first day of the said term of said court, it is therefore ordered, that the order upon the said petition of appeal in said cause be so amended as to make it returnable on or before the commencement of the next annual session of the Supreme Court.

Clerk's office, United States district court, in and for the district of Louisiana.

I, Needler R. Jennings, clerk of the court aforesaid, do hereby certify the foregoing one hundred and forty-three pages and four plans to contain a true and complete transcript of the record in the case of Curry & Garland versus the United States of America, number 1 on the docket of the said court, embracing the pleadings and orders of court, as well as all the testimony adduced by the parties on the hearing of the said cause, from the original record on file in my office.

In testimony whereof I have hereunto signed my name, and caused to be affixed the seal of the said court at New Orleans, this 23d of October, in the year of our Lord one thousand eight hundred and forty-seven, and the seventy-second year of the independence of the United States of America.

[SEAL.]

N. R. JENNINGS, *Clerk.*

I, Theodore Howard McCaleb, judge of the United States district court for the district of Louisiana, do hereby certify, that Needler R. Jennings, who signed the above certificate, was, at the time of signing the same, and is now, the clerk of the United States district court for the district of Louisiana, that faith and credit are due, and ought to be given, to his attestations as such, and that the above certificate is in due form of law.

In testimony whereof I have hereunto signed my name, and affixed my seal, this 25th day of October, in the year of our Lord one thousand eight hundred and forty-seven, and the seventy-second year of the American independence.

THEO. H. McCALEB, [SEAL.]
U. S. judge.

United States district court, for the district of Louisiana.

To Thomas Curry and Rice Garland, greeting:

You are hereby cited and admonished to be and appear before the Supreme Court of the United States of America, to be holden at Washington city, on the first Monday of December next, pursuant to an order of appeal granted on the thirteenth day of February, 1847, by the district judge of the United States for the district of Louisiana, in a certain suit wherein you are plaintiff and the United States are defendants, to show cause, if any there be, why the decree rendered on the second day of May, 1846, against the said appellants and in your favor, should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Witness my hand and seal, at New Orleans, this fourteenth day of August, A. D. 1847.

THEO. H. McCALEB, *U. S. judge.*

Marshal's return.

Rec'd, August 27th, 1847, and on the 8th September, 1847, served copies of the above citation on Wm. C. Hamner, in person, at New Orleans, said Wm. C. Hammer's name appearing on the docket as attorney for the above named plaintiffs.

WM. SHEARER,
D'y U. S. marshal.

Filed 15th November, 1847.